



Journal of the Senate

Number 19—Regular Session

Tuesday, April 29, 2003

CONTENTS

Bills on Third Reading	714, 736
Call to Order	713, 729
Co-Sponsors	785
House Messages, Final Action	784
House Messages, First Reading	784
Introduction and Reference of Bills	783
Motions	783
Motions Relating to Committee Reference	783
Point of Order	745
Reports of Committees	783
Resolutions	713
Special Order Calendar	722, 729, 737

[See end of Journal for Bill Action Summary]

CALL TO ORDER

The Senate was called to order by President King at 10:00 a.m. A quorum present—40:

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

PRAYER

The following prayer was offered by Pastor William Mark Greene, Old Jerusalem Missionary Baptist Church, Havana:

Eternal Creator and Sustainer of Life, we are thankful for the privilege of life given to us this day to honor you and to help our fellowman. We petition you now to provide your guidance and your grace upon each of us who are gathered here today. We recognize and reverence your presence in the life of man. We are grateful that you have provided for us a connection to ask for your advice, your assistance, and your assurance that you are with us.

It is because of your multitude of blessings in our lives that we are here today. In return, we bow our heads to the earth to show our reverence. In return of your blessings, we ask you to guide us, as we are here today to converse, consider, coordinate, and conduct matters concerning the lives of our fellowmen.

We are grateful that you have, by your mercy, given us this chance to be servants to those in our counties, cities and communities. We are also grateful for the privilege, as stewards, of positively influencing and impacting our country, even our world. Help us to be good neighbors to all of those who are around us and please bless all of our efforts.

It is our petition that you will be with each of us here today and always. As we yield ourselves to serve your will, and to meet the needs

of others, we ask for your protection. We ask you to give us your peace within our hearts and our minds. It is our plea that you bless our nation and its leaders. It is also our plea that you will bless our world and its leaders.

Use us this day to perform your will for the best interest of man. Give us purity in our spirits, in our hearts, and in our minds. When this day comes to a close, help us to look back upon our activities and be at peace knowing that we have honored you and fulfilled your good pleasures for mankind.

Whatever we may have failed to ask of you, please do not fail to provide for us. We thank you for hearing us, and for responding according to your providential will. Amen

PLEDGE

Senate Pages Elizabeth W. Crew of Monticello, Stephen Royce Dudley of Pensacola and Emily Anne Gerard of Babson Park, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Robert G. Brooks of Tallahassee, sponsored by Senator Peaden, as doctor of the day. Dr. Brooks specializes in Infectious Disease.

ADOPTION OF RESOLUTIONS

At the request of Senator Smith—

By Senator Smith—

SR 2978—A resolution honoring the life and memory of Dale Earnhardt, legendary stock car racer.

WHEREAS, Ralph Dale Earnhardt was born on April 29, 1951, on a farm in Kannapolis, North Carolina, and

WHEREAS, the son of a NASCAR driver, Ralph Earnhardt, Dale Earnhardt developed a passion for stock car racing at an early age, and

WHEREAS, Dale Earnhardt began competing in local stock car races as a teenager, eventually competing in the Winston Cup Circuit, and

WHEREAS, in 1975, Dale Earnhardt entered his first Winston Cup race at the Charlotte Motor Speedway, and

WHEREAS, in 1979, Dale Earnhardt won his first Winston Cup race at the Bristol Motor Speedway in Bristol, Tennessee, and later that year was named Rookie of the Year, and

WHEREAS, in 1980, Dale Earnhardt clinched the NASCAR Winston Cup Championship, making him the first driver to win Rookie of the Year and the Winston Cup Championship in successive seasons, and

WHEREAS, in 1984, Dale Earnhardt began driving for Richard Childress, and together they formed a formidable team, achieving tremendous success on the racetrack, and

WHEREAS, Dale Earnhardt won NASCAR championships in 1986, 1987, 1990, 1991, 1993, and 1994, tying Richard Petty's impressive record for the most championships won in a single career of stock car racing, and

WHEREAS, during his career, Dale Earnhardt won 34 races at the Daytona track, the most of any driver in history, including the Daytona 500 in 1998, and

WHEREAS, Dale Earnhardt was the first three-time winner of the Winston Select and won three International Race of Champions (IROC) Series Championships, and

WHEREAS, in 1998, on the 50th anniversary of NASCAR, Dale Earnhardt was named one of the sport's 50 greatest drivers, and

WHEREAS, Dale Earnhardt was nicknamed "The Intimidator" because of his aggressive and keen driving abilities, and

WHEREAS, Dale Earnhardt also found success as a businessman, including his ownership in other racing teams and as a farmer in Mooresville, North Carolina, and

WHEREAS, Dale Earnhardt died on February 18, 2001, and

WHEREAS, Dale Earnhardt is survived by his wife, Teresa Earnhardt; his children, Dale, Jr., Kerry, Kelly, and Taylor; his mother, Martha; and several siblings, and

WHEREAS, Dale Earnhardt was loved and admired by people from all around the world and is greatly missed both on and off the racetrack, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate recognizes April 29, 2003, as "Dale Earnhardt Day" in honor of the memory of this great American sportsman, gentleman, and friend to all Floridians.

—**SR 2978** was introduced, read and adopted by publication.

BILLS ON THIRD READING

Consideration of **CS for CS for SB 1492**, **HB 1051** and **HB 739** was deferred.

CS for CS for SB 1616—A bill to be entitled An act relating to seaport security; amending s. 311.12, F.S., relating to seaport security standards; authorizing the Department of Law Enforcement to exempt an inactive seaport from certain requirements; revising circumstances under which employment by or access to a seaport may be denied; providing additional offenses that disqualify a person from employment within or regular access to a seaport or restricted access area; prohibiting a seaport from imposing access restrictions that exceed the statewide minimum requirements; creating s. 311.125, F.S.; establishing the Uniform Port Access Credential System, to be administered by the Department of Highway Safety and Motor Vehicles; requiring seaports that are subject to statewide minimum security standards to comply with the system's requirements by a specified date; specifying system requirements; providing requirements for the Uniform Port Access Credential Card; requiring an initial fingerprint-based criminal history check of card applicants; requiring additional criminal history checks; requiring employers to notify a seaport if an employee having access is terminated, resigns, is incapacitated, or dies; providing a procedure for placing a card in an inactive status; providing for reactivation of a card; authorizing revocation of a business entity's access to a seaport upon failure to report a change in the work status of an employee; providing requirements for access to restricted areas within a seaport; providing requirements for a visitor's pass to be issued by seaports; authorizing seaports to charge for the cost of conducting criminal history checks and issuing the Uniform Port Access Credential Card; providing for seizure of a Uniform Port Access Credential Card by a law enforcement officer under certain circumstances; providing a timeframe for seaports to comply with the requirements of the act; requiring the Department of Law Enforcement to update a seaport security compliance plan; providing that implementation is contingent on the receipt of federal grant funds; providing an effective date.

—as amended April 28 was read the third time by title.

On motion by Senator Dockery, **CS for CS for SB 1616** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Argenziano	Atwater
Alexander	Aronberg	Bennett

Bullard	Geller	Pruitt
Campbell	Haridopolos	Saunders
Carlton	Hill	Sebesta
Clary	Jones	Siplin
Constantine	Klein	Smith
Cowin	Lawson	Villalobos
Crist	Lee	Wasserman Schultz
Dawson	Lynn	Webster
Diaz de la Portilla	Margolis	Wilson
Dockery	Miller	Wise
Fasano	Peaden	
Garcia	Posey	
Nays—None		

HB 457—A bill to be entitled An act relating to the indigent care and trauma center discretionary sales surtax; amending s. 212.055, F.S.; reviving, reenacting, and amending the indigent care and trauma center discretionary sales surtax; requiring a biennial audit of a certain trust fund; requiring delivery of the audit report to certain entities; deleting a future expiration provision; providing an effective date.

—was read the third time by title.

On motion by Senator Sebesta, **HB 457** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Saunders
Bennett	Geller	Sebesta
Bullard	Haridopolos	Siplin
Campbell	Hill	Smith
Carlton	Jones	Villalobos
Clary	Klein	Wasserman Schultz
Constantine	Lawson	Webster
Cowin	Lee	Wilson
Crist	Lynn	Wise
Nays—None		

CS for CS for SB 1856—A bill to be entitled An act relating to law enforcement officers and correctional officers; amending s. 112.532, F.S.; revising provisions relating to disciplinary actions against officers; providing grounds for civil actions by officers; providing for officers to obtain investigative reports; revising guidelines for questioning officers who are being investigated; providing for the production of an investigative report and supporting documents in a disciplinary case against a law enforcement or correctional officer to that officer prior to the imposition of certain disciplinary actions; providing for such records to remain confidential pursuant to the current public-records exemption; providing that such provision is not to be construed to provide a law enforcement or correctional officer with a property interest in a position of employment; amending s. 112.533, F.S.; providing that an established system for the receipt, investigation, and determination of complaints shall be the exclusive procedure used by law enforcement and correctional agencies; providing for legal counsel or a representative of the officer's choice to review a complaint filed against the officer and all statements made by the complainant and witnesses; providing an effective date.

—as amended April 28 was read the third time by title.

On motion by Senator Diaz de la Portilla, **CS for CS for SB 1856** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Argenziano	Atwater
Alexander	Aronberg	Bennett

Bullard	Geller	Pruitt
Campbell	Haridopolos	Saunders
Carlton	Hill	Sebesta
Clary	Jones	Siplin
Constantine	Klein	Smith
Cowin	Lawson	Villalobos
Crist	Lee	Wasserman Schultz
Dawson	Lynn	Webster
Diaz de la Portilla	Margolis	Wilson
Dockery	Miller	Wise
Fasano	Peaden	
Garcia	Posey	

Nays—None

HB 1719—A bill to be entitled An act relating to consumer protection in the construction lien law; creating s. 713.015, F.S.; providing mandatory contract provisions for residential construction contracts; amending s. 713.06, F.S.; providing an additional warning statement on a notice to owner; providing a form for a contractor's final payment affidavit; amending s. 713.08, F.S.; providing a warning statement on a claim of lien; amending s. 713.135, F.S.; requiring the lien law summary to contain an explanation of owners' rights; requiring the issuing authority to mail the lien law summary to the owner; amending s. 713.31, F.S.; requiring a prosecuting entity to provide a copy of the charging document to the Department of Business and Professional Regulation; amending s. 713.345, F.S.; providing permissive inferences that a person knowingly and intentionally failed to properly apply construction payments; requiring a prosecuting entity to provide a copy of the charging document to the Department of Business and Professional Regulation; amending s. 713.3471, F.S.; requiring lenders to give certain notices regarding direct loan disbursements to borrowers; amending s. 713.35, F.S.; requiring a prosecuting entity to provide a copy of the charging document to the Department of Business and Professional Regulation; providing effective dates.

—was read the third time by title.

On motion by Senator Argenziano, **HB 1719** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 79—A bill to be entitled An act relating to communications services; amending s. 812.15, F.S.; revising definition of "cable operator" and "cable system" and defining "communications device," "communications service," "communications service provider," and "manufacture, development, or assembly of a communications device"; prohibiting certain interception, reception, decryption, disruption, transmission, retransmission, or acquisition of access to described communications services and prohibiting assisting others in doing so; prohibiting described communications devices for certain purposes and promotion of such devices; providing criminal and civil penalties; providing for actual and statutory damages; exempting described entities under certain circumstances; providing an effective date.

—as amended April 28 was read the third time by title.

On motion by Senator Atwater, **HB 79** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for CS for SB 1584—A bill to be entitled An act relating to administrative procedures; amending s. 120.52, F.S.; revising definition of invalid exercise of delegated legislative authority; amending s. 120.54, F.S.; revising provisions with respect to uniform rules; providing requirements with respect to the application of alleged facts to specific rules or statutes; amending s. 120.56, F.S.; revising rule challenges; providing hearings of such challenges to be held de novo; providing for the standard of proof to be used; revising procedures for agency response in unadopted rule proceedings; amending s. 120.569, F.S.; revising provisions with respect to decisions that affect substantial interest; providing for initial scheduling orders by the administrative law judge; providing for a discovery period; amending s. 120.57, F.S.; revising provisions with respect to additional procedures applicable to hearings involving disputed issues of material fact; revising procedures in unadopted rule proceedings; providing that an order relinquishing jurisdiction shall be rendered under certain circumstances; providing when an agency must rule on exceptions; amending s. 120.595, F.S.; redefining the term "improper purpose" and conforming a cross-reference; declaring that other provisions relating to attorney's fees and costs are unaffected by s. 120.595, F.S.; amending s. 120.60, F.S.; revising provisions with respect to licensing; providing for license issuance by default in specified circumstances; amending s. 120.68, F.S.; revising provisions with respect to judicial review; providing additional grounds for certain petitions challenging an agency rule as an invalid exercise of delegated legislative authority; amending s. 57.105, F.S.; providing administrative law judge authority to award attorney's fees and damages; amending s. 57.111, F.S.; revising attorney's fees on civil actions and administrative proceedings initiated by state agencies; providing an effective date.

—as amended April 28 was read the third time by title.

Senator Aronberg moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (761136)(with title amendment)—On page 4, lines 3-5, delete those lines and insert:

Section 2. Paragraph (i) of subsection (1) and paragraph (b) of subsection (5) of section 120.54, Florida Statutes, are amended to read:

120.54 Rulemaking.—

(1) GENERAL PROVISIONS APPLICABLE TO ALL RULES OTHER THAN EMERGENCY RULES.—

(i)1. A rule may incorporate material by reference but only as the material exists on the date the rule is adopted. For purposes of the rule, changes in the material are not effective unless the rule is amended to incorporate the changes. A rule may not be amended by reference only. Amendments must set out the amended rule in full in the same manner as required by the State Constitution for laws. The Department of State may prescribe by rule requirements for incorporating materials by reference pursuant to this paragraph.

2. Notwithstanding any contrary provision in this section, when an adopted rule of the Department of Environmental Protection or a water management district is incorporated by reference in the other agency's rule to implement a provision of part IV of chapter 373, subsequent amendments to the rule are not effective as to the incorporating rule unless the agency incorporating by reference notifies the committee and the Department of State of its intent to adopt the subsequent amendment, publishes notice of such intent in the *Florida Administrative Weekly*, and files with the Department of State a copy of the amended rule incorporated by reference. Changes in the rule incorporated by reference are effective as to the other agency 20 days after the date of the published notice and filing with the Department of State. The Department of State shall amend the history note of the incorporating rule to show the effective date of such change. Any substantially affected person may, within 14 days after the date of publication of the notice of intent in the *Florida Administrative Weekly*, file an objection to rulemaking with the agency. The objection shall specify the portions of the rule incorporated by reference to which the person objects and the reasons for the objection. The agency shall not have the authority under this subparagraph to adopt those portions of the rule specified in such objection. The agency shall publish notice of the objection and of its action in response in the next available issue of the *Florida Administrative Weekly*.

And the title is amended as follows:

On page 1, line 5, after the first semicolon (;) insert: providing conditions under which changes to certain rules adopted by the Department of Environmental Protection or a water management district that are incorporated by reference in rules of the other agency rule will take effect as to the incorporating rule; providing for notice; providing an objection process;

On motion by Senator Aronberg, **CS for CS for SB 1584** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for SB 1952—A bill to be entitled An act relating to electrical and alarm system contracting; amending s. 489.517, F.S.; requiring certificateholders and registrants to have continuing education on false alarm prevention; amending s. 489.518, F.S.; revising qualifications for burglar alarm system agents; requiring additional criminal background check; removing an exemption from training requirements for persons who only perform sales; authorizing employment as an alarm system agent or burglar alarm system agent under supervision for a specified period pending completion of training and the criminal background check; providing format, validity period, and renewal requirements for burglar alarm system agent identification cards; requiring an updated criminal background check of each burglar alarm system agent renewing certification; providing continuing education requirements for burglar alarm system agents; amending s. 489.5185, F.S.; revising qualifications for fire alarm system agents; requiring additional criminal background check; requiring an updated criminal background check of each fire alarm system agent renewing certification; requiring fire alarm system agents to have continuing education on false alarm prevention; amending s. 489.529, F.S.; requiring a second alarm-verification call if the first call is unanswered; providing an effective date.

—was read the third time by title.

On motion by Senator Bennett, **CS for SB 1952** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 1431—A bill to be entitled An act relating to mobile homes; creating s. 319.261, F.S.; providing a process to retire title to a mobile home; defining "real property owned by that same person"; providing procedures; requiring the clerk of court to record certain documents and provide copies to the owner; requiring the clerk of court to provide a copy of the recorded title or manufacturers' certificate of origin to the owner; providing for the owner or lienholder of the mobile home to file an application with the Department of Highway Safety and Motor Vehicles; providing for that department to retire the title; requiring notice to the applicant; providing for that department to issue a new title; providing for conveyance of such mobile home; providing for perfecting, realizing, and foreclosure of security interests; providing penalties; providing for application and construction of the act; providing for severability; providing an effective date.

—was read the third time by title.

On motion by Senator Sebesta, **HB 1431** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 1061—A bill to be entitled An act relating to public records; amending s. 500.148, F.S.; providing an exemption from public records requirements for certain federal information that is otherwise confidential under federal law and that is provided to the Department of Agriculture and Consumer Services for purposes of food safety investigations, federal-state contracts and partnership activities, and regulatory reviews; prohibiting the disclosure of such information unless a federal agency has found that the information is no longer entitled to protection or unless ordered by a court; providing for future legislative review and repeal; providing a finding of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Argenziano, **HB 1061** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peadar
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

On motion by Senator Aronberg, by two-thirds vote **HB 1453** was withdrawn from the Committees on Judiciary; and Transportation.

On motion by Senator Aronberg, by two-thirds vote—

HB 1453—A bill to be entitled An act relating to vessels; amending s. 328.17, F.S.; revising language with respect to the nonjudicial sale of vessels; providing an effective date.

—a companion measure, was substituted for **CS for SB 2652** and by two-thirds vote read the second time by title. On motion by Senator Aronberg, by two-thirds vote **HB 1453** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peadar
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for CS for SB 2678—A bill to be entitled An act relating to health care practice parameters; repealing s. 408.02, F.S., relating to practice parameters; amending s. 440.13, F.S.; providing for practice parameters and protocols; amending ss. 440.134, 627.6418, 627.6613, F.S., relating to worker's compensation managed care plans and health insurance policy coverage for mammograms; removing references and legislative intent, to conform; providing legislative intent that the statutory requirements conform to certain parameters relating to mammograms; amending s. 409.904, F.S.; postponing the effective date of changes to standards for eligibility for certain optional medical assistance, including coverage under the medically needy program; providing appropriations; providing for retroactive application; providing effective dates.

—as amended April 28 was read the third time by title.

On motion by Senator Saunders, **CS for CS for SB 2678** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peadar
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for SB 606—A bill to be entitled An act relating to mandatory reports of child abuse, abandonment, or neglect; amending s. 39.201, F.S.; providing that certain persons who are employed or supervised by religious institutions or by entities affiliated with such institutions must report to the Department of Children and Family Services their knowledge or reasonable suspicion of child abuse, abandonment, or neglect; providing an effective date.

—was read the third time by title.

On motion by Senator Miller, **CS for SB 606** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Diaz de la Portilla	Posey
Alexander	Dockery	Pruitt
Argenziano	Fasano	Saunders
Aronberg	Garcia	Sebesta
Atwater	Geller	Siplin
Bennett	Haridopolos	Smith
Bullard	Hill	Villalobos
Campbell	Jones	Wasserman Schultz
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lee	Wise
Cowin	Miller	
Crist	Peadar	

Nays—None

CS for CS for SB's 108 and 110—A bill to be entitled An act relating to protective injunctions; providing a short title; amending s. 784.046, F.S.; deleting the definition of the term “repeat violence” for purposes of protective injunctions; providing for an injunction for protection in cases of violence rather than in cases of repeat violence; providing requirements for a petition for protection against violence; redesignating the Domestic, Dating, and Repeat Violence Injunction Statewide Verification System in the Department of Law Enforcement as the “Violence Injunction Statewide Verification System”; providing for service of process and enforcement of an injunction for protection against violence; amending s. 784.047, F.S.; providing that it is a first-degree misdemeanor to violate an injunction for protection against violence; amending ss. 61.1825, 741.2901, 741.30, F.S., relating to the State Case Registry and domestic violence; providing for the award of attorney's fees, costs, and certain other expenses in specified circumstances; conforming provisions to changes made by the act; amending s. 784.048, F.S.; revising the elements of the offense of aggravated stalking to prohibit certain acts following an injunction for protection against violence rather than following an injunction for protection against repeat violence; amending ss. 790.06, 790.065, F.S., relating to a license to carry a concealed weapon or firearm and the sale and delivery of firearms; conforming provisions to changes made by the act; amending s. 901.15, F.S.; authorizing arrest without a warrant when an officer has probable cause to believe that a person has knowingly committed an act of violence in

violation of an injunction for protection from violence; amending s. 943.05, F.S., relating to the Criminal Justice Information Program; conforming provisions to changes made by the act; reenacting ss. 775.084(1)(d), 921.0022(3)(g), F.S., relating to violent career criminals and the offense severity ranking chart of the Criminal Punishment Code, to incorporate the amendment to s. 784.048, F.S., in references thereto; providing an effective date.

—as amended April 28 was read the third time by title.

On motion by Senator Saunders, **CS for CS for SB's 108 and 110** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peadar
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for SB 1554—A bill to be entitled An act relating to the licensure of child care homes and facilities; amending s. 402.310, F.S.; authorizing the Department of Children and Family Services or a local licensing agency to deny, suspend, or revoke the license of a child care facility, a licensed family day care home, or a large family child care home and to deny, suspend, or revoke the registration of a family day care home following a violation of certain laws or rules; amending s. 402.313, F.S.; abolishing the authority of the Department of Children and Family Services or a local licensing agency to impose an administrative fine for family day care homes; requiring the department to establish minimum safety standards for licensed family day care homes; amending s. 402.3131, F.S.; abolishing the authority of the Department of Children and Family Services or a local licensing agency to impose an administrative fine for large family child care homes; providing an effective date.

—was read the third time by title.

On motion by Senator Lynn, **CS for SB 1554** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peadar
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 75—A bill to be entitled An act relating to motor vehicles; amending s. 316.2398, F.S.; revising provisions that regulate the display or use

of red lights on motor vehicles of volunteer firefighters or medical staff; providing an effective date.

—was read the third time by title.

On motion by Senator Argenziano, **HB 75** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peadar
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

Consideration of **HB 623** and **CS for HB 513** was deferred.

HB 623—A bill to be entitled An act relating to the Northwest Florida Water Management District; amending s. 373.4145, F.S.; continuing the interim part IV permitting program for the Northwest Florida Water Management District; providing a future repeal of such interim program; removing obsolete provisions; providing an effective date.

—was read the third time by title.

On motion by Senator Lawson, **HB 623** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peadar
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

SB 2488—A bill to be entitled An act relating to mutual aid agreements; amending s. 23.1225, F.S.; providing clarification regarding agencies that may participate in such agreements; providing an effective date.

—was read the third time by title.

Senator Dockery moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (694892)(with title amendment)—On page 4, between lines 12 and 13, insert:

Section 2. Section 282.1095, Florida Statutes, is amended to read:

282.1095 State agency law enforcement radio system *and interoperability network*.—

(1) The State Technology Office may acquire and implement a statewide radio communications system to serve law enforcement units of state agencies, and to serve local law enforcement agencies through a mutual aid ~~channels~~ *channel*. The Joint Task Force on State Agency Law Enforcement Communications is established in the State Technology Office to advise the office of member-agency needs for the planning, designing, and establishment of the joint system. The State Agency Law Enforcement Radio System Trust Fund is established in the State Technology Office. The trust fund shall be funded from surcharges collected under ss. 320.0802 and 328.72.

(2)(a) The Joint Task Force on State Agency Law Enforcement Communications shall consist of eight members, as follows:

1. A representative of the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation who shall be appointed by the secretary of the department.
2. A representative of the Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles who shall be appointed by the executive director of the department.
3. A representative of the Department of Law Enforcement who shall be appointed by the executive director of the department.
4. A representative of the Fish and Wildlife Conservation Commission who shall be appointed by the executive director of the commission.
5. A representative of the Division of Law Enforcement of the Department of Environmental Protection who shall be appointed by the secretary of the department.
6. A representative of the Department of Corrections who shall be appointed by the secretary of the department.
7. A representative of the Division of State Fire Marshal of the Department of Insurance who shall be appointed by the State Fire Marshal.
8. A representative of the Department of Transportation who shall be appointed by the secretary of the department.

(b) Each appointed member of the joint task force shall serve at the pleasure of the appointing official. Any vacancy on the joint task force shall be filled in the same manner as the original appointment. *Any joint task force member may, upon notification to the chair prior to the beginning of any scheduled meeting, appoint an alternative to represent the member on the task force and vote on task force business in his or her absence.*

(c) The joint task force shall elect a chair from among its members to serve a 1-year term. A vacancy in the chair of the joint task force must be filled for the remainder of the unexpired term by an election of the joint task force members.

(d) The joint task force shall meet as necessary, but at least quarterly, at the call of the chair and at the time and place designated by him or her.

(e) The per diem and travel expenses incurred by a member of the joint task force in attending its meetings and in attending to its affairs shall be paid pursuant to s. 112.061, from funds budgeted to the state agency that the member represents.

(f) The State Technology Office is hereby authorized to rent or lease space on any tower under its control. The office may also rent, lease, or sublease ground space as necessary to locate equipment to support antennae on the towers. The costs for use of such space shall be established by the office for each site, when it is determined to be practicable and feasible to make space available. The office may refuse to lease space on any tower at any site. All moneys collected by the office for such rents, leases, and subleases shall be deposited directly into the Law Enforcement Radio Operating Trust Fund and may be used by the office to construct, maintain, or support the system.

(g) The State Technology Office is hereby authorized to rent, lease, or sublease ground space on lands acquired by the office for the construc-

tion of privately owned or publicly owned towers. The office may, as a part of such rental, lease, or sublease agreement, require space on said tower or towers for antennae as may be necessary for the construction and operation of the state agency law enforcement radio system or any other state need. The positions necessary for the office to accomplish its duties under this paragraph and paragraph (f) shall be established in the General Appropriations Act and shall be funded by the Law Enforcement Radio Operating Trust Fund or other revenue sources.

(h) *The State Technology Office may make the mutual aid channels in the statewide radio communications system available to federal agencies, state agencies, and agencies of the political subdivisions of the state for the purpose of public safety and domestic security. The office shall exercise its powers and duties, as specified in this chapter, to plan, manage, and administer the mutual aid channels. The office shall, in implementing such powers and duties, act in consultation and conjunction with the Department of Law Enforcement and the Division of Emergency Management of the Department of Community Affairs, and shall manage and administer the mutual aid channels in a manner that reasonably addresses the needs and concerns of the involved law enforcement agencies and emergency response agencies and entities.*

(3) Upon appropriation, moneys in the trust fund may be used by the office to acquire by competitive procurement the equipment; software; and engineering, administrative, and maintenance services it needs to construct, operate, and maintain the statewide radio system. Moneys in the trust fund collected as a result of the surcharges set forth in ss. 320.0802 and 328.72 shall be used to help fund the costs of the system. Upon completion of the system, moneys in the trust fund may also be used by the office to provide for payment of the recurring maintenance costs of the system.

(4)(a) The office shall, *in conjunction with the Department of Law Enforcement and the Division of Emergency Management of the Department of Community Affairs*, establish policies, procedures, and standards which shall be incorporated into a comprehensive management plan for the use and operation of the statewide radio communications system.

(b) The joint task force, in consultation with the office, shall have the authority to permit other state agencies to use the communications system, under terms and conditions established by the joint task force.

(5) The office shall provide technical support to the joint task force and shall bear the overall responsibility for the design, engineering, acquisition, and implementation of the statewide radio communications system and for ensuring the proper operation and maintenance of all system common equipment.

(6)(a) *The State Technology Office may create and implement an interoperability network to enable interoperability between various radio communications technologies and to serve federal agencies, state agencies, and agencies of political subdivisions of the state for the purpose of public safety and domestic security. The office shall, in conjunction with the Department of Law Enforcement and the Division of Emergency Management of the Department of Community Affairs, exercise its powers and duties pursuant to this chapter to plan, manage, and administer the interoperability network. The office may:*

1. *Enter into mutual aid agreements among federal agencies, state agencies, and political subdivisions of the state for the use of the interoperability network.*

2. *Establish the cost of maintenance and operation of the interoperability network and charge subscribing federal and local law enforcement agencies for access and use of the network. The State Technology Office may not charge state law enforcement agencies identified in paragraph (2)(a) to use the network.*

3. *In consultation with the Department of Law Enforcement and the Division of Emergency Management of the Department of Community Affairs, amend and enhance the statewide radio communications system as necessary to implement the interoperability network.*

(b) *The State Technology Office, in consultation with the Joint Task Force on State Agency Law Enforcement Communications, and in conjunction with the Department of Law Enforcement and the Division of Emergency Management of the Department of Community Affairs, shall*

establish policies, procedures, and standards to incorporate into a comprehensive management plan for the use and operation of the interoperability network.

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, lines 1-6, delete those lines and insert: An act relating to law enforcement; amending s. 23.1225, F.S.; providing clarification regarding agencies that may participate in such agreements; amending s. 282.1095, F.S.; authorizing a member of the Joint Task Force on State Agency Law Enforcement Communications to appoint an alternate; providing for the Department of Law Enforcement and the Department of Community Affairs, Division of Emergency Management, to work in conjunction with the State Technology Office to establish certain policies, procedures, and standards; authorizing the office to make certain mutual aid channels in the state radio communications system available to other agencies; providing for the creation of an interoperability network; providing powers and duties of the office; providing an effective date.

On motion by Senator Dockery, **SB 2488** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Crist

CS for SB 2380—A bill to be entitled An act relating to educational personnel; amending s. 1012.56, F.S.; revising the requirements for mastery of general knowledge, mastery of subject area knowledge, and mastery of professional preparation and education competence for a valid standard teaching certificate issued by another state; providing an effective date.

—was read the third time by title.

On motion by Senator Bullard, **CS for SB 2380** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Crist	Lawson
Alexander	Dawson	Lee
Argenziano	Diaz de la Portilla	Lynn
Aronberg	Dockery	Margolis
Atwater	Fasano	Miller
Bennett	Garcia	Peaden
Campbell	Geller	Posey
Carlton	Haridopolos	Pruitt
Clary	Hill	Saunders
Constantine	Jones	Sebesta
Cowin	Klein	Siplin

Smith	Wasserman Schultz	Wilson
Villalobos	Webster	Wise

Nays—None

Vote after roll call:

Yea—Bullard

SB 2680—A bill to be entitled An act relating to unclaimed property; amending s. 717.101, F.S.; revising a definition; creating s. 717.1071, F.S.; providing for determining when certain property of a demutualized insurance company is unclaimed; amending s. 717.1101, F.S.; revising provisions for determining when certain equity and debt of a business association is unclaimed; providing for reversing such determination; deleting an application provision; amending s. 717.119, F.S.; providing for disposition of certain unclaimed firearms or ammunition; providing duties of the Department of Financial Services; specifying absence of liability of the department for certain actions; providing an effective date.

—was read the third time by title.

On motion by Senator Campbell, **SB 2680** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for SB 2744—A bill to be entitled An act relating to abused, neglected, and abandoned children; creating s. 39.0016, F.S.; creating definitions; providing for interpretation of the act; requiring an agreement between the Department of Children and Family Services and the Department of Education; requiring the Department of Children and Family Services to enter into agreements with public or private entities for the delivery of services to children in custody or under the supervision of the department; requiring an agreement between the Department of Children and Family Services and district school boards; specifying provisions of such agreements; requiring access to certain information; requiring training components; providing an effective date.

—as amended April 28 was read the third time by title.

On motion by Senator Atwater, **CS for SB 2744** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Cowin	Klein
Alexander	Crist	Lawson
Argenziano	Dawson	Lee
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Bennett	Fasano	Miller
Bullard	Garcia	Peaden
Campbell	Geller	Posey
Carlton	Haridopolos	Pruitt
Clary	Hill	Saunders
Constantine	Jones	Sebesta

Siplin
Smith
Villalobos
Nays—None

Wasserman Schultz
Webster
Wilson
Wise

Lee
Lynn
Margolis
Miller
Peaden
Posey
Pruitt
Saunders
Sebesta
Siplin
Smith
Villalobos

Wasserman Schultz
Webster
Wilson
Wise

Nays—None

HB 821—A bill to be entitled An act relating to service of process against the Florida Automobile Joint Underwriting Association; amending s. 627.311, F.S.; specifying that the Florida Automobile Joint Underwriting Association appoints its general manager as agent for service of process purposes; providing a limitation relating to method of service of process; providing an effective date.

—was read the third time by title.

On motion by Senator Margolis, **HB 821** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 561—A bill to be entitled An act relating to protective injunctions; providing a popular name; amending s. 784.046, F.S.; defining the term “sexual violence”; providing for a cause of action for an injunction for protection in cases of sexual violence; providing for a petition to be filed on the victim’s own behalf or on behalf of a minor child under certain circumstances; requiring that the sexual violence be reported to a law enforcement agency and that the person filing the petition cooperate in any investigation; providing for a petition to be filed against a respondent who was sentenced to imprisonment for the sexual violence and who has been or will be released; prohibiting the assessment of filing fees for a petition for protection against repeat violence, sexual violence, or dating violence; providing for the Office of the State Courts Administrator to reimburse the clerks of the court for filing fees, subject to legislative appropriation; providing requirements for a petition for protection against sexual violence; specifying the period of effect for an ex parte temporary injunction against a respondent released from incarceration; providing requirements for serving an injunction; redesignating the Domestic, Dating, and Repeat Violence Injunction Statewide Verification System as the Domestic, Dating, Sexual, and Repeat Violence Injunction Statewide Verification System; requiring notice to the sheriff and law enforcement agencies; providing an effective date.

—was read the third time by title.

On motion by Senator Crist, **HB 561** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Carlton	Fasano
Alexander	Clary	Garcia
Argenziano	Constantine	Geller
Aronberg	Cowin	Haridopolos
Atwater	Crist	Hill
Bennett	Dawson	Jones
Bullard	Diaz de la Portilla	Klein
Campbell	Dockery	Lawson

RECONSIDERATION OF BILLS

On motion by Senator Bennett, the rules were waived and the Senate reconsidered the vote by which—

CS for SB 1954—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056, 320.08058, F.S.; creating a series of Military Services license plates; providing for the distribution of annual use fees received from the sale of such plates; creating s. 320.0891, F.S.; creating the U.S. Paratroopers license plate; restricting eligibility to purchase such plates; amending s. 320.08056, F.S.; creating the Protect Our Reefs license plate; amending s. 320.08058, F.S.; requiring that the license plate use fee from the Florida Arts license plate be transferred directly to the county arts council; providing for the distribution of the annual use fee from the Protect Our Reef license plate received from the sale of such plates; providing for audit by the Auditor General; amending ss. 320.08056, 320.08058, F.S.; creating a Fish Florida license plate; providing for the distribution of annual use fees received from the sale of such plates; providing effective dates.

—as amended passed April 28.

Senator Fasano moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (923440)(with title amendment)—On page 1, line 27 through page 2, line 17, delete those lines

And the title is amended as follows:

On page 1, lines 3-7, delete those lines and insert: creating s. 320.0891, F.S.; creating

On motion by Senator Bennett, **CS for SB 1954** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

On motion by Senator Bennett, the rules were waived and the Senate reconsidered the vote by which—

CS for CS for SB 1252—A bill to be entitled An act relating to health care facilities; creating s. 400.244, F.S.; allowing nursing homes to convert beds to alternative uses as specified; providing restrictions on uses of funding under assisted-living Medicaid waivers; providing procedures; providing for the applicability of certain fire and life safety codes; providing applicability of certain laws; requiring a nursing home to submit to the Agency for Health Care Administration a written request for permission to convert beds to alternative uses; providing conditions

for disapproving such a request; providing for periodic review; providing for retention of nursing home licensure for converted beds; providing for reconversion of the beds; providing applicability of licensure fees; requiring a report to the agency; amending s. 400.021, F.S.; redefining the term "resident care plan," as used in part I of ch. 400, F.S.; amending s. 400.23, F.S.; providing that certain information from the Agency for Health Care Administration must reflect the most current agency actions; amending s. 400.147, F.S.; amending the definition of the term "adverse incident"; requiring certain reports to be filed; revising requirements for a facility's report to the agency on adverse incidents; providing guidelines for the agency's report to a regulatory board that the agency has a reasonable belief that there are grounds for regulatory action; amending s. 400.211, F.S.; revising inservice training requirements for persons employed as nursing assistants in a nursing home facility; amending s. 408.032, F.S.; revising the definition of "tertiary health service" under the Health Facility and Services Development Act; amending s. 408.034, F.S.; requiring the nursing-home-bed-need methodology established by the Agency for Health Care Administration by rule to include a goal of maintaining a specified district average occupancy rate; amending s. 408.036, F.S., relating to health-care-related projects subject to review for a certificate of need; removing certain projects from and subjecting certain projects to expedited review and revising requirements for other projects subject to expedited review; removing the exemption from review for certain projects; revising requirements for certain projects that are exempt from review; exempting certain projects from review; amending s. 408.038, F.S.; increasing fees of the certificate-of-need program; amending s. 408.039, F.S.; providing for approval of recommended orders of the Division of Administrative Hearings when the Agency for Health Care Administration fails to take action on an application for a certificate of need within a specified time period; creating the Hospital Statutory and Regulatory Reform Council; providing for review of an application for a certificate of need pending on the effective date of the act; providing legislative intent; providing for membership and duties of the council; amending s. 409.904, F.S.; postponing the effective date of changes to standards for eligibility for certain optional medical assistance, including coverage under the medically needy program; providing appropriations; providing for retroactive application; providing effective dates.

—as amended passed April 28.

On motion by Senator Bennett, further consideration of **CS for CS for SB 1252** was deferred.

SPECIAL ORDER CALENDAR

Consideration of **CS for SB 2296**, **CS for CS for SB 1202**, and **CS for CS for SB's 1852, 1628 and 2344** was deferred.

CS for SB 654—A bill to be entitled An act relating to regulation of telecommunications companies; providing a popular name; amending s. 364.01, F.S.; providing legislative finding that provision of unregulated voice-over-internet protocol is in the public interest; amending s. 364.02, F.S.; changing the term "alternative local exchange telecommunications company" to "competitive local exchange telecommunications company"; defining the term "intrastate interexchange telecommunications company"; limiting the definition of "service"; amending s. 364.025, F.S.; conforming terminology; extending the time period for mandatory provision of basic local exchange telecommunications services within the territory of a local exchange telecommunications company; extending the transitional time period for the Public Service Commission's providing an interim mechanism for maintaining universal service objectives; providing authority for the Public Service Commission to change the mechanism upon petition during such period; delaying requirement that the Legislature establish a permanent mechanism; delaying date on which competitive local exchange telecommunications company may petition the Public Service Commission to become a universal service provider and carrier of last resort; providing for commission determination as to its authority to address universal service support mechanism for small local exchange telecommunications companies different from the interim mechanism; amending s. 364.0361, F.S.; providing exclusivity for certain regulations; amending s. 364.051, F.S.; conforming terminology; providing circumstances under which certain telecommunications companies may elect alternative regulations; providing an exception; prohibiting an increase in certain regulations on competitive local exchange telecommunications companies; amending s. 364.052, F.S.; conforming

terminology; amending s. 364.058, F.S.; providing for an expedited process to facilitate quick resolution of disputes between telecommunications companies; providing rulemaking authority; creating s. 364.059, F.S.; providing procedures for staying election of local exchange telecommunications companies to be subject to alternative regulations; requiring the Public Service Commission to provide benchmarks and criteria for granting stays; providing rulemaking authority; amending s. 364.10, F.S.; requiring certain local exchange telecommunications companies to provide Lifeline services to certain persons; providing for eligibility determinations by the Public Counsel for receipt of such services; prohibiting rate increases for basic local telecommunications services provided to such eligible persons; requiring distribution of certain materials; requiring annual reports; amending ss. 364.16, 364.161, and 364.162, F.S.; conforming terminology; amending s. 364.163, F.S.; deleting obsolete language; changing period in which intrastate access rates are capped; removing limitations on certain rate increases; eliminating certain fees; providing presumption of validity for certain tariff changes made by intrastate interexchange telecommunications companies; creating s. 364.164, F.S.; authorizing local exchange telecommunications companies to petition the Public Service Commission for reduction of intrastate network access rates under certain circumstances; requiring revenue neutrality; providing criteria for the commission to consider; amending s. 364.337, F.S.; conforming terminology; amending s. 364.3376, F.S.; eliminating the requirement that intrastate interexchange telecommunications companies obtain a certificate of public convenience prior to providing operator services; amending ss. 364.502 and 365.172, F.S.; conforming terminology; amending ss. 196.012, 199.183, 212.08, 290.007, 350.0605, 364.602, and 489.103, F.S.; correcting cross-references to s. 364.02, F.S.; providing an effective date.

—was read the second time by title.

Senator Haridopolos moved the following amendments which were adopted:

Amendment 1 (032282)—On page 7, line 27, after "chapters" insert: 202,

Amendment 2 (812564)—On page 7, line 30, delete "364.015,"

Amendment 3 (834836)(with title amendment)—On page 12, lines 3-15, delete those lines

And the title is amended as follows:

On page 1, line 30, after the semicolon (;) to page 2, line 4, delete those lines and insert: amending s. 365.0361, F.S.;

Amendment 4 (741332)—On page 14, line 19, delete "and"

Amendment 5 (044344)—On page 20, line 22, delete "this section does not" and insert: *nothing herein shall*

Amendment 6 (750814)—On page 23, line 6, delete "A No" and insert: No

Senator Haridopolos moved the following amendment:

Amendment 7 (252830)—On page 23, line 8, delete "*may not shall*" and insert: shall

On motion by Senator Haridopolos, further consideration of **CS for SB 654** with pending **Amendment 7 (252830)** was deferred.

CS for CS for SB 1020—A bill to be entitled An act relating to court procedures; amending ss. 26.012, 27.06, 34.01, 48.20, 142.09, 316.635, 373.603, 381.0012, 450.121, 560.306, 633.14, 648.44, 817.482, 828.122, 832.05, 876.42, 893.12, 901.01, 901.02, 901.07, 901.08, 901.09, 901.11, 901.12, 901.25, 902.15, 902.17, 902.20, 902.21, 903.03, 903.32, 903.34, 914.22, 923.01, 933.01, 933.06, 933.07, 933.10, 933.101, 933.13, 933.14, 939.02, 939.14, 941.13, 941.14, 941.15, 941.17, 941.18, 947.141, 948.06, 985.05, F.S., relating to various court procedures; redesignating "magistrates" as "trial court judges"; amending ss. 56.071, 56.29, 61.1826, 64.061, 65.061, 69.051, 70.51, 92.142, 112.41, 112.43, 112.47, 162.03, 162.06, 162.09, 173.09, 173.10, 173.11, 173.12, 194.013, 194.034, 194.035, 206.16, 207.016, 320.411, 393.11, 394.467, 397.311, 397.681, 447.207, 447.403, 447.405, 447.407, 447.409, 475.011, 489.127, 489.531, 496.420, 501.207, 501.618, 559.936, 582.23, 631.182, 631.331, 633.052,

744.369, 760.11, 837.011, 838.014, 839.17, 916.107, 938.30, 945.43, F.S., relating to various administrative and judicial proceedings; redesignating “masters” and “general or special masters” as “general or special magistrates”; amending s. 903.02, F.S.; providing that any judge setting or granting bail shall set a separate bail amount for each charge or offense; amending s. 903.046, F.S.; providing that a defendant forfeits the right to a presumption in favor of release on nonmonetary conditions if charged with a second or subsequent felony within a certain time period; amending s. 903.047, F.S.; providing for standard conditions of pretrial release without the trial judge stating such conditions on the record; requiring a defendant to comply with all conditions of a pretrial release program; amending s. 903.26, F.S.; providing that failure of the state attorney to institute extradition proceedings or extradite the principal on a bail bond, after the surety’s written agreement to pay actual transportation costs, exonerates the surety; amending s. 903.27, F.S.; providing that in cases in which the bond forfeiture has been discharged by the court, the amount of the judgment may not exceed the amount of the unpaid fees or costs upon which the discharge had been conditioned; amending s. 903.31, F.S.; providing that the clerk of court shall furnish an executed certificate of cancellation to the surety; providing that the original appearance bond does not guarantee the defendant’s conduct or appearance in court at any time under certain circumstances; amending s. 907.041, F.S.; requiring a pretrial release service to certify to the court in writing that it has conducted certain investigations and verified specified conditions before an accused is released on nonmonetary conditions; revising requirements for the pretrial release of a person charged with a dangerous crime; creating s. 903.0465, F.S.; providing that a judge at a first appearance may not reduce bail set by another judge issuing an arrest warrant; amending s. 903.0471, F.S.; authorizing a court to make a finding of probable cause on the basis of an affidavit of a law enforcement officer when a person on pretrial release is arrested for a new law violation; providing an effective date.

—was read the second time by title.

Senator Campbell moved the following amendments which were adopted:

Amendment 1 (704470)—On page 96, line 16, delete “*convicted*” and insert: *charged*

Amendment 2 (643792)—On page 96, line 18, delete “*charge*” and insert: *conviction*

Senator Campbell moved the following amendment:

Amendment 3 (231298)(with title amendment)—On page 100, line 6 through page 102, line 7, delete those lines and insert:

Section 110. Subsection (3) and paragraphs (a) and (b) of subsection (4) of section 907.041, Florida Statutes, are amended, and subsection (5) is added to that section, to read:

907.041 Pretrial detention and release.—

(3) RELEASE ON NONMONETARY CONDITIONS.—

(a) It is the intent of the Legislature to create a presumption in favor of release on nonmonetary conditions for any person who is granted pretrial release unless such person is charged with a dangerous crime as defined in subsection (4). Such person shall be released on monetary conditions if it is determined that such monetary conditions are necessary to assure the presence of the person at trial or at other proceedings, to protect the community from risk of physical harm to persons, to assure the presence of the accused at trial, or to assure the integrity of the judicial process.

(b) A ~~No person may not be accepted for release shall be released~~ on nonmonetary conditions under the supervision of a pretrial release service, unless the service certifies ~~by a signed affidavit and identifies in the affidavit~~ to the court that it has investigated or otherwise verified:

1. The circumstances of the accused’s family, employment, financial resources, character, mental condition, and length of residence in the community;

2. The accused’s record of convictions, of appearances at court proceedings, of flight to avoid prosecution, or of failure to appear at court proceedings; and

3. Other facts necessary to assist the court in its determination of the indigency of the accused and whether she or he should be released under the supervision of the service.

(4) PRETRIAL DETENTION.—

(a) As used in this subsection, *the term “dangerous crime”* means any of the following:

1. Arson;
2. Aggravated assault;
3. Aggravated battery;
4. Illegal use of explosives;
5. Child abuse or aggravated child abuse;
6. Abuse of an elderly person or disabled adult, or aggravated abuse of an elderly person or disabled adult;
7. Aircraft piracy;
8. Kidnapping;
9. Homicide;
10. Manslaughter;
11. Sexual battery;
12. Robbery;
13. Carjacking;
14. Lewd, lascivious, or indecent assault or act upon or in presence of a child under the age of 16 years;
15. Sexual activity with a child, who is 12 years of age or older but less than 18 years of age, by or at solicitation of person in familial or custodial authority;
16. Burglary of a dwelling;
17. Stalking and aggravated stalking;
18. Act of domestic violence as defined in s. 741.28;
19. Home invasion robbery;
20. Act of terrorism as defined in s. 775.30; and
21. Attempting or conspiring to commit any such crime.

(b) ~~Pursuant to the provisions of paragraph (3)(b) No person charged with a dangerous crime shall be granted nonmonetary pretrial release at a first appearance hearing; however,~~ the court shall retain the discretion to release a person ~~an~~ accused of a dangerous crime on electronic monitoring or on recognizance bond if the findings on the record of facts and circumstances warrant such a release.

(5) PRETRIAL RELEASE ANNUAL REPORTS.—

(a) As used in this subsection, *the term:*

1. “Pretrial release service” means any government-funded program that makes recommendations to any court regarding the pretrial release of any defendant from custody.

2. “Annual report” means a report prepared by a pretrial service which accurately and objectively reports the performance of the service using taxpayer moneys.

(b) *The pretrial release service in each county of the state shall monthly compile data on the cases and defendants who are processed for release by the agency. Data must be maintained on a monthly basis and must display accurate, objective information for each defendant, including, but not limited to:*

1. The charges against the defendant;

2. *The nature of any prior arrest of each defendant;*
3. *The court appearances required for each defendant;*
4. *Each court appearance at which the defendant failed to appear;*
5. *Each capias issued, as well as each time a capias was not issued when the defendant failed to appear; and*
6. *The recommendation of the pretrial release service pertaining to each defendant.*

(c) *By December 1 of each year, each pretrial release service must submit an annual report to the chairman of the appropriate board of county commissioners, the Executive Office of the Governor, the Speaker of the House of Representatives, and the President of the Senate. The annual report must contain, but need not be limited to:*

1. *The operating budget of the pretrial release service;*
2. *The number of personnel employed by the pretrial release service;*
3. *The number of cases reviewed by the pretrial release service;*
4. *The disposition of those cases;*
5. *The total number of cases, categorized by felony and by misdemeanor, if the defendant was released under a financial condition; and*
6. *The total number of cases, categorized by felony and misdemeanor, if the defendant was released without financial condition.*

(d) *The annual report shall be presented in a format that is approved by the Executive Office of the Governor after consultation with the Office of the State Courts Administrator, the Florida Sheriffs' Association, and private organizations representing the commercial bail industry.*

(e) *Additional public funds may not be expended for preparing or producing this report.*

And the title is amended as follows:

On page 3, line 3, after the semicolon (;) insert: requiring a pretrial release service to compile monthly data; requiring each pretrial release service to submit an annual report;

Senator Campbell moved the following substitute amendment which was adopted:

Amendment 4 (920956)—On page 100, line 6 through page 102, line 7, delete those lines and insert:

Section 110. Subsection (3) and paragraphs (a) and (b) of subsection (4) of section 907.041, Florida Statutes, are amended to read:

907.041 Pretrial detention and release.—

(3) RELEASE ON NONMONETARY CONDITIONS.—

(a) It is the intent of the Legislature to create a presumption in favor of release on nonmonetary conditions for any person who is granted pretrial release unless such person is charged with a dangerous crime as defined in subsection (4). Such person shall be released on monetary conditions if it is determined that such monetary conditions are necessary to assure the presence of the person at trial or at other proceedings, to protect the community from risk of physical harm to persons, to assure the presence of the accused at trial, or to assure the integrity of the judicial process.

(b) ~~A No person may not be accepted for release shall be released on nonmonetary conditions under the supervision of a pretrial release service, unless the service certifies by a signed affidavit and identifies in the affidavit to the court that it has investigated or otherwise verified:~~

1. The circumstances of the accused's family, employment, financial resources, character, mental condition, and length of residence in the community;
2. The accused's record of convictions, of appearances at court proceedings, of flight to avoid prosecution, or of failure to appear at court proceedings; and

3. Other facts necessary to assist the court in its determination of the indigency of the accused and whether she or he should be released under the supervision of the service.

(4) PRETRIAL DETENTION.—

(a) As used in this subsection, the term "dangerous crime" means any of the following:

1. Arson;
2. Aggravated assault;
3. Aggravated battery;
4. Illegal use of explosives;
5. Child abuse or aggravated child abuse;
6. Abuse of an elderly person or disabled adult, or aggravated abuse of an elderly person or disabled adult;
7. Aircraft piracy;
8. Kidnapping;
9. Homicide;
10. Manslaughter;
11. Sexual battery;
12. Robbery;
13. Carjacking;
14. Lewd, lascivious, or indecent assault or act upon or in presence of a child under the age of 16 years;
15. Sexual activity with a child, who is 12 years of age or older but less than 18 years of age, by or at solicitation of person in familial or custodial authority;
16. Burglary of a dwelling;
17. Stalking and aggravated stalking;
18. Act of domestic violence as defined in s. 741.28;
19. Home invasion robbery;
20. Act of terrorism as defined in s. 775.30; and
21. Attempting or conspiring to commit any such crime.

(b) ~~Pursuant to the provisions of paragraph (3)(b) No person charged with a dangerous crime shall be granted nonmonetary pretrial release at a first appearance hearing; however, the court shall retain the discretion to release a person an accused of a dangerous crime on electronic monitoring or on recognizance bond if the findings on the record of facts and circumstances warrant such a release.~~

Senator Lawson moved the following amendment:

Amendment 5 (760104)—On page 101, between lines 3 and 4, insert:

(c) *The requirement that the report in subsection (b) be written shall not apply to any county having a population less than 350,000 persons.*

On motion by Senator Campbell, further consideration of **CS for CS for SB 1020** with pending **Amendment 5 (760104)** was deferred.

Consideration of **CS for SB 2054** and **CS for CS for SB 700** was deferred.

The Senate resumed consideration of—

CS for CS for SB 686—A bill to be entitled An act relating to public transit; amending s. 343.51, F.S.; providing a short title; amending s. 343.52, F.S.; revising definitions; amending s. 343.53, F.S.; disbanding the Tri-County Commuter Rail Authority and redesignating it as the South Florida Regional Transportation Authority; providing for a governing board of the authority; amending s. 343.54, F.S.; revising powers and duties of the authority with respect to planning and operating a transit system within a specified area of the state; requiring that the authority obtain consent prior to operating an existing system owned by another entity; authorizing the authority to expand its service area into counties contiguous to the service area of the authority under certain circumstances; providing employee rights; continuing the rights of employees to be represented by exclusive representatives; providing funding requirements; amending ss. 343.55, 343.56, 343.57, F.S.; providing for the authority to issue and pay revenue bonds; providing that the bonds are not debts or pledges of credit of the state; creating s. 343.58, F.S.; providing for dedicated funding from the counties served by the South Florida Regional Transportation Authority; specifying the amount of continuing funding required; providing a statement of important state interest; providing an effective date.

—which was previously considered and amended April 28. Pending **Amendment 4A (741440)** by Senator Klein failed and **Amendment 4 (274836)** by Senator Geller was adopted.

Senator Geller moved the following amendment:

Amendment 5 (274830)—On page 12, lines 20-26, delete those lines and insert: *system*.

MOTION

On motion by Senator Geller, the rules were waived to allow the following amendment to be considered:

Senator Geller moved the following substitute amendment which was adopted:

Amendment 6 (961282)—On page 12, lines 20-24, delete those lines and insert: *system. Therefore, the*

MOTION

On motion by Senator Bennett, the rules were waived to allow the following amendment to be considered:

Senator Bennett moved the following amendment which was adopted:

Amendment 7 (091680)(with title amendment)—On page 5, line 23 through page 7, line 5, delete those lines and insert:

(b) It is the express intention of this part that the authority be authorized to plan, develop, own, purchase, lease, or otherwise acquire, demolish, construct, improve, relocate, equip, repair, maintain, operate, and manage a ~~transit commuter rail system and transit commuter rail facilities~~; to establish and determine ~~the such policies as may be necessary~~ for the best interest of the operation and promotion of a ~~transit commuter rail system~~; and to adopt ~~such rules as may be necessary~~ to govern the operation of a ~~transit commuter rail system and transit commuter rail facilities~~. *It is the intent of the Legislature that the South Florida Regional Transportation Authority shall have overall authority to coordinate, develop, and operate a regional transportation system within the area served.*

(c) *Notwithstanding subsection (3), the South Florida Regional Transportation Authority may not exercise the powers in paragraph (b) with respect to an existing system for transporting people and goods by any means which is owned by another entity without the consent of that entity. Furthermore, if the authority acquires, purchases, operates, condemns, or inherits an existing entity, the authority shall also inherit and assume all rights, assets, labor agreements, appropriations, privileges, and obligations of the existing entity. This paragraph does not preclude the South Florida Regional Transportation Authority from having the primary responsibility to develop and coordinate the transportation systems within the service area of the South Florida Regional Transportation Authority.*

(2) The authority created in this part ~~herein~~ shall be the successor and assignee of the Tri-County Commuter Rail Authority ~~Organization~~

(~~TCRO~~) and shall inherit all rights, assets, *labor* agreements, appropriations, privileges, and obligations of the *Tri-County Commuter Rail Authority* ~~TCRO~~.

And the title is amended as follows:

On page 1, lines 15-21, delete those lines and insert: owned by another entity; providing conditions for acquisition of an existing entity by the authority; authorizing the authority to expand its service area into counties contiguous to the service area of the authority under certain circumstances; providing funding

On motion by Senator Geller, by two-thirds vote **CS for CS for SB 686** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Campbell	Jones	Smith
Carlton	Klein	Villalobos
Constantine	Lee	Wasserman Schultz
Cowin	Lynn	Webster
Crist	Miller	Wise

Nays—3

Bullard	Dawson	Hill
---------	--------	------

Vote after roll call:

Yea—Clary, Margolis

SENATOR SEBESTA PRESIDING

On motion by Senator Lynn—

CS for SB 1444—A bill to be entitled An act relating to public records; amending s. 409.175, F.S.; creating an exemption for certain information held by the Department of Children and Family Services, the Department of Health, and the fire inspector concerning licensed family foster homes and applicants for such licensure; exempting the names of minor children and household members, information that would identify neighbors, and medical records and medical information from public disclosure; providing for the release of certain information after a specified period if the information concerns an applicant for licensure or concerns a foster parent who does not become an adoptive parent and no longer cares for foster children; providing for future legislative review and repeal; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1444** to **HB 1593**.

Pending further consideration of **CS for SB 1444** as amended, on motion by Senator Lynn, by two-thirds vote **HB 1593** was withdrawn from the Committees on Children and Families; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Lynn—

HB 1593—A bill to be entitled An act relating to a public records exemption for information regarding foster parent applicants and licensed foster parents; amending s. 409.175, F.S.; expanding the exemption to include foster parent applicants and medical records of licensed foster parents and foster parent applicants; narrowing the exemption to remove information contained in neighbor references; making exempt the name, address, and telephone number of persons providing character or neighbor references; providing for expiration and retroactive application of the exemptions; clarifying language and making editorial changes; providing for future review and repeal of the exemptions; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 1444** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1593** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

CS for CS for SB 1072—A bill to be entitled An act relating to identity theft and Internet fraud prevention, investigation, and prosecution; amending s. 817.568, F.S.; expanding the definition of personal identification information; revising the elements of the offense of criminal use of personal identification information in which such use results in an unlawful benefit, injury, or fraud; providing for mandatory minimum terms of imprisonment for certain acts of criminal use of personal identification information; amending s. 934.23, F.S.; providing a definition; clarifying that Florida judges with jurisdiction over specific crimes have authority to issue search warrants for electronic evidence relating thereto, regardless of where the electronic evidence is situated; creating s. 92.605, F.S.; providing definitions; providing for self-authentication for out-of-state business records under certain circumstances with notice to opponent; providing for procedures; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

Senator Crist moved the following amendments which were adopted:

Amendment 1 (673368)—On page 10, line 5, after the period (.) insert: *In order for an out-of-state corporation to be properly served, the service described in this paragraph must be effected on the corporation's registered agent.*

Amendment 2 (901758)—On page 25, line 5, delete “817.568(7)(a)” and insert: *817.568(7)*

Pursuant to Rule 4.19, **CS for CS for SB 1072** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Lynn—

CS for CS for SB 1556—A bill to be entitled An act relating to independent living transition services; amending s. 409.1451, F.S.; abolishing the Independent Living Services Transition Workgroup; deleting the report required by the Independent Living Services Transition Workgroup; establishing the Independent Living Services Workgroup; providing for the activities of the Independent Living Services Workgroup; providing for the Independent Living Services Workgroup to report to the Senate and the House of Representatives; providing that property acquired on behalf of a client receiving independent living transition services is the property of the client; providing that the rules are to balance normalcy and safety for the youth; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1556** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 742** was deferred.

On motion by Senator Aronberg—

CS for CS for SB 1580—A bill to be entitled An act relating to consumer protection; creating ss. 501.165, 501.166, F.S.; prohibiting the use of deception to obtain certain personal information for commercial solicitation purposes; prohibiting the sale or disclosure of personal customer information by persons in bankruptcy; amending s. 501.2075, F.S.; providing an exception to a civil penalty; creating s. 501.2076, F.S.; prohibiting falsely representing oneself as being affiliated with a law

enforcement or firefighting agency or public utility; providing a penalty; providing that a violation of s. 817.568, F.S., is an unfair or deceptive act or practice or unfair method of competition in violation of part II of ch. 501, F.S.; providing penalties; amending ss. 501.23 and 501.24, F.S.; changing obsolete dates; providing an effective date.

—was read the second time by title.

Senator Aronberg moved the following amendment:

Amendment 1 (283436)(with title amendment)—On page 2, lines 5-13, delete those lines and insert:

501.165 Obtaining personal information for commercial solicitation; exemption.—

(1) Any person who uses deceptive practices or means to obtain another person's address, telephone number, or social security number and uses it to engage in commercial solicitation, or provides it to another person for purposes of commercial solicitation, commits an unfair or deceptive act or practice or unfair method of competition in violation of part II of this chapter, and is subject to the penalties and remedies provided for such violation, in addition to remedies otherwise available for such conduct.

(2) Unless otherwise ordered by a court or commission of competent jurisdiction, local exchange telecommunications company customer information is exempt from this section.

And the title is amended as follows:

On page 1, delete line 6 and insert: *solicitation purposes; providing an exemption; prohibiting the sale or*

MOTION

On motion by Senator Aronberg, the rules were waived to allow the following amendment to be considered:

Senator Aronberg moved the following substitute amendment which was adopted:

Amendment 2 (320884)(with title amendment)—On page 2, line 5 through page 3, line 15, delete those lines and insert:

501.165 Obtaining personal information for commercial solicitation.—Any person who uses deceptive practices or means to obtain another person's address, telephone number, or social security number and uses it to engage in commercial solicitation, or provides it to another person for purposes of commercial solicitation, commits an unfair or deceptive act or practice or unfair method of competition in violation of part II of this chapter, and is subject to the penalties and remedies provided for such violation, in addition to remedies otherwise available for such conduct.

Section 3. Section 501.2075, Florida Statutes, is amended to read:

501.2075 Civil penalty.—Except as provided in s. 501.2076 or s. 501.2077, any person, firm, corporation, association, or entity, or any agent or employee of the foregoing, who is willfully using, or has willfully used, a method, act, or practice declared unlawful under s. 501.204, or who is willfully violating any of the rules of the department adopted under this part, is liable for a civil penalty of not more than \$10,000 for each such violation. Willful violations occur when the person knew or should have known that his or her conduct was unfair or deceptive or prohibited by rule. This civil penalty may be recovered in any action brought under this part by the enforcing authority; or the enforcing authority may terminate any investigation or action upon agreement by the person, firm, corporation, association, or entity, or the agent or employee of the foregoing, to pay a stipulated civil penalty. The department or the court may waive any such civil penalty if the person, firm, corporation, association, or entity, or the agent or employee of the foregoing, has previously made full restitution or reimbursement or has paid actual damages to the consumers or governmental entities who have been injured by the unlawful act or practice or rule violation. If civil penalties are assessed in any litigation, the enforcing authority is entitled to reasonable attorney's fees and costs. A civil penalty so collected shall accrue to the state and shall be deposited as received into the General Revenue Fund unallocated.

Section 4. Section 501.166, Florida Statutes, is created to read:

501.166 Selling personal customer information.—

(1) Unless mandated by the Florida Public Service Commission, a person who files for bankruptcy may not sell or

And the title is amended as follows:

On page 1, line 8, after the semicolon (;) insert: providing an exception;

Pursuant to Rule 4.19, **CS for CS for SB 1580** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Argenziano—

CS for SB 1754—A bill to be entitled An act relating to soil and water conservation; amending s. 582.06, F.S.; increasing membership of the Soil and Water Conservation Council; specifying qualifications for members; amending ss. 582.10 and 582.30, F.S.; revising provisions relating to the creation and discontinuance of soil and water conservation districts; authorizing the Commissioner of Agriculture to dissolve or discontinue a district; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1754** was placed on the calendar of Bills on Third Reading.

By direction of the President, the Senate reverted to—

BILLS ON THIRD READING

The Senate resumed consideration of—

CS for CS for SB 1252—A bill to be entitled An act relating to health care facilities; creating s. 400.244, F.S.; allowing nursing homes to convert beds to alternative uses as specified; providing restrictions on uses of funding under assisted-living Medicaid waivers; providing procedures; providing for the applicability of certain fire and life safety codes; providing applicability of certain laws; requiring a nursing home to submit to the Agency for Health Care Administration a written request for permission to convert beds to alternative uses; providing conditions for disapproving such a request; providing for periodic review; providing for retention of nursing home licensure for converted beds; providing for reconversion of the beds; providing applicability of licensure fees; requiring a report to the agency; amending s. 400.021, F.S.; redefining the term “resident care plan,” as used in part I of ch. 400, F.S.; amending s. 400.23, F.S.; providing that certain information from the Agency for Health Care Administration must reflect the most current agency actions; amending s. 400.147, F.S.; amending the definition of the term “adverse incident”; requiring certain reports to be filed; revising requirements for a facility’s report to the agency on adverse incidents; providing guidelines for the agency’s report to a regulatory board that the agency has a reasonable belief that there are grounds for regulatory action; amending s. 400.211, F.S.; revising inservice training requirements for persons employed as nursing assistants in a nursing home facility; amending s. 408.032, F.S.; revising the definition of “tertiary health service” under the Health Facility and Services Development Act; amending s. 408.034, F.S.; requiring the nursing-home-bed-need methodology established by the Agency for Health Care Administration by rule to include a goal of maintaining a specified district average occupancy rate; amending s. 408.036, F.S., relating to health-care-related projects subject to review for a certificate of need; removing certain projects from and subjecting certain projects to expedited review and revising requirements for other projects subject to expedited review; removing the exemption from review for certain projects; revising requirements for certain projects that are exempt from review; exempting certain projects from review; amending s. 408.038, F.S.; increasing fees of the certificate-of-need program; amending s. 408.039, F.S.; providing for approval of recommended orders of the Division of Administrative Hearings when the Agency for Health Care Administration fails to take

action on an application for a certificate of need within a specified time period; creating the Hospital Statutory and Regulatory Reform Council; providing for review of an application for a certificate of need pending on the effective date of the act; providing legislative intent; providing for membership and duties of the council; amending s. 409.904, F.S.; postponing the effective date of changes to standards for eligibility for certain optional medical assistance, including coverage under the medically needy program; providing appropriations; providing for retroactive application; providing effective dates.

—which was previously considered this day.

Senator Bennett moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (315074)—On page 6, line 10 through page 8, line 5, delete those lines and insert:

Section 4. Subsections (5), (7), and (12) of section 400.147, Florida Statutes, are amended to read:

400.147 Internal risk management and quality assurance program.—

(5) For purposes of reporting to the agency under this section, the term “adverse incident” means:

(a) An event over which facility personnel could exercise control and which is associated in whole or in part with the facility’s intervention, rather than the condition for which such intervention occurred, and which results in one of the following:

1. Death;
2. Brain or spinal damage;
3. Permanent disfigurement;
4. Fracture or dislocation of bones or joints;
5. A limitation of neurological, physical, or sensory function;
6. Any condition that required medical attention to which the resident has not given his or her informed consent, including failure to honor advanced directives; or
7. Any condition that required the transfer of the resident, within or outside the facility, to a unit providing a more acute level of care due to the adverse incident, rather than the resident’s condition prior to the adverse incident;

(b) Abuse, *sexual abuse*, neglect, or exploitation as defined in s. 415.102;

(c) Abuse, neglect and harm as defined in s. 39.01;

(d) Resident elopement; or

(e) An event that is reported to law enforcement for *investigation*.

(7) The facility shall initiate an investigation and shall notify the agency within 1 business day after the risk manager or his or her designee has received a report pursuant to paragraph (1)(d). The notification must be made *either* in writing *or orally* and be provided *by telephone*, electronically, by facsimile device or overnight mail delivery. The notification must include information regarding the identity of the affected resident, the type of adverse incident, the initiation of an investigation by the facility, and whether the events causing or resulting in the adverse incident represent a potential risk to any other resident. The notification is confidential as provided by law and is not discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board. The agency may investigate, as it deems appropriate, any such incident and prescribe measures that must or may be taken in response to the incident. The agency shall review each incident and determine whether it potentially involved conduct by the health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 shall apply.

(12) If the agency, through its receipt of the adverse incident reports prescribed in subsection (7), *or prescribed in subsection (8)*, or through any investigation, has a reasonable belief that conduct by a staff member or employee of a facility is grounds for disciplinary action by the appropriate regulatory board, the agency shall report this fact to the regulatory board. *The agency must use either the 1-day or the 15-day report to fulfill this reporting requirement. This subsection does not require dual reporting nor additional, new documentation and reporting by the facility to the appropriate regulatory board.*

On motion by Senator Bennett, **CS for CS for SB 1252** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—None

Vote after roll call:

Yea—Clary

RECONSIDERATION OF BILLS

On motion by Senator Dockery, the Senate reconsidered the vote by which—

CS for CS for SB 1616—A bill to be entitled An act relating to seaport security; amending s. 311.12, F.S., relating to seaport security standards; authorizing the Department of Law Enforcement to exempt an inactive seaport from certain requirements; revising circumstances under which employment by or access to a seaport may be denied; providing additional offenses that disqualify a person from employment within or regular access to a seaport or restricted access area; prohibiting a seaport from imposing access restrictions that exceed the statewide minimum requirements; creating s. 311.125, F.S.; establishing the Uniform Port Access Credential System, to be administered by the Department of Highway Safety and Motor Vehicles; requiring seaports that are subject to statewide minimum security standards to comply with the system's requirements by a specified date; specifying system requirements; providing requirements for the Uniform Port Access Credential Card; requiring an initial fingerprint-based criminal history check of card applicants; requiring additional criminal history checks; requiring employers to notify a seaport if an employee having access is terminated, resigns, is incapacitated, or dies; providing a procedure for placing a card in an inactive status; providing for reactivation of a card; authorizing revocation of a business entity's access to a seaport upon failure to report a change in the work status of an employee; providing requirements for access to restricted areas within a seaport; providing requirements for a visitor's pass to be issued by seaports; authorizing seaports to charge for the cost of conducting criminal history checks and issuing the Uniform Port Access Credential Card; providing for seizure of a Uniform Port Access Credential Card by a law enforcement officer under certain circumstances; providing a timeframe for seaports to comply with the requirements of the act; requiring the Department of Law Enforcement to update a seaport security compliance plan; providing that implementation is contingent on the receipt of federal grant funds; providing an effective date.

—as amended passed this day.

MOTION

On motion by Senator Dockery, the rules were waived to allow the following amendment to be considered:

Senator Dockery moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (550164)—On page 14, line 29, delete “, not to exceed \$25,”

On motion by Senator Dockery, **CS for CS for SB 1616** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Saunders
Bennett	Geller	Sebesta
Bullard	Haridopolos	Siplin
Campbell	Hill	Smith
Carlton	Klein	Villalobos
Constantine	Lee	Wasserman Schultz
Cowin	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Clary, Jones, Webster

On motion by Senator Dockery, the Senate reconsidered the vote by which—

SB 2488—A bill to be entitled An act relating to mutual aid agreements; amending s. 23.1225, F.S.; providing clarification regarding agencies that may participate in such agreements; providing an effective date.

—as amended passed this day.

MOTION

On motion by Senator Dockery, the rules were waived to allow the following amendment to be considered:

Senator Dockery moved the following amendment which was adopted by two-thirds vote:

Amendment 2 (055974)—On page 4, delete line 13.

On motion by Senator Dockery, **SB 2488** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Cowin	Klein
Alexander	Crist	Lee
Argenziano	Dawson	Lynn
Aronberg	Diaz de la Portilla	Margolis
Atwater	Dockery	Miller
Bennett	Fasano	Peaden
Bullard	Garcia	Posey
Campbell	Geller	Pruitt
Carlton	Haridopolos	Saunders
Clary	Hill	Sebesta
Constantine	Jones	Siplin

Smith	Wasserman Schultz	Wilson
Villalobos	Webster	Wise
Nays—None		

SPECIAL ORDER CALENDAR, continued

SB 2002—A bill to be entitled An act relating to law enforcement officer training; amending s. 943.16, F.S.; providing for reimbursement of tuition, wages, and benefits by a law enforcement trainee who terminates his or her employment in an employing agency's basic recruit training program; authorizing an employing agency to commence a civil action for its reimbursement; providing exceptions; providing an effective date.

—was read the second time by title.

The Committee on Governmental Oversight and Productivity recommended the following amendment which was moved by Senator Crist and failed:

Amendment 1 (264790)—On page 1, line 26, after “years” insert: *after graduation from the basic recruit training program*

Senator Crist moved the following amendment:

Amendment 2 (885878)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (2) of section 943.16, Florida Statutes, is amended, and subsections (4),(5), (6), and (7) are added to said section, to read:

943.16 Payment of tuition or officer certification examination fee by employing agency; *reimbursement of tuition, other course expenses, wages, and benefits.*—

(2)(a) A trainee who attends such approved training program at the expense of an employing agency must remain in the employment or appointment of such employing agency for a period of not less than 2 years *after graduation from the basic recruit training program* ~~1 year~~. If employment or appointment is terminated on the trainee's own initiative within 2 years ~~1 year~~, he or she shall reimburse the employing agency for the full cost of his or her participation; ~~and such employing agency may institute a civil action to collect such tuition cost if it is not reimbursed~~ *tuition, other course expenses, and additional amounts as provided in paragraph (b).*

(b) *In addition to reimbursement for the full cost of tuition and other course expenses, a trainee terminating employment as provided in paragraph (a) shall reimburse the employing agency for the trainee's wages and benefits paid by the employing agency during the academy training period according to the following schedule:*

1. *For a trainee terminating employment within 6 months of graduation from the basic recruit training program, the full amount of wages and benefits paid during the academy training period.*

2. *For a trainee terminating employment within 6 months and 1 day to 12 months of graduation from the basic recruit training program, an amount equal to three-fourths of the full amount of wages and benefits paid during the academy training period.*

3. *For a trainee terminating employment within 12 months and 1 day to 18 months of graduation from the basic recruit training program, an amount equal to one-half of the full amount of wages and benefits paid during the academy training period.*

4. *For a trainee terminating employment within 18 months and 1 day to 24 months of graduation from the basic recruit training program, an amount equal to one-fourth of the full amount of wages and benefits paid during the academy training period.*

(4) *An employing agency may institute a civil action to collect such cost of tuition, other course expenses, wages, and benefits as provided in this section if it is not reimbursed, provided that the employing agency gave written notification to the trainee of the 2-year employment commitment during the employment screening process. The trainee shall return signed acknowledgement of receipt of such notification.*

(5) *For purposes of this section, “academy training period” means the period of time that a trainee is attending an approved basic recruit training program in a law enforcement or correctional officer academy class for purposes of obtaining certification pursuant to chapter 943, until the date of graduation from such class. The term “other course expenses” includes the cost of meals.*

(6) *This section does not apply to trainees who terminate employment with the employing agency and resign their certification upon termination in order to obtain employment for which certification under chapter 943 is not required. Further, this section does not apply to trainees attending auxiliary officer training.*

(7) *Notwithstanding the provisions of this section, an employing agency may waive a trainee's requirement of reimbursement in part or in full when the trainee terminates employment due to hardship or extenuating circumstances.*

Section 2. This act shall take effect on July 1, 2003, and shall apply to basic recruit training classes commencing after that date.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to law enforcement officer training; amending s. 943.16, F.S.; requiring trainees attending approved basic recruit training programs to reimburse an employing agency for tuition, other course expenses, wages, and benefits paid by the agency if the employee terminates his or her employment or appointment within a specified time period after graduation; providing a schedule for reimbursement of a trainee's wages and benefits; authorizing an employing agency to institute civil action under certain circumstances; providing definitions; providing applicability; authorizing an employing agency to waive reimbursement requirements under certain circumstances; providing a conditional effective date.

On motion by Senator Crist, further consideration of **SB 2002** with pending **Amendment 2 (885878)** was deferred.

RECESS

The President declared the Senate in recess at 12:07 p.m. to reconvene at 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:49 p.m. A quorum present—40:

Mr. President	Diaz de la Portilla	Peadar
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

SPECIAL ORDER CALENDAR, continued

On motion by Senator Sebesta—

CS for CS for SB 2070—A bill to be entitled An act relating to public transit; amending s. 341.031, F.S.; defining new terms for purposes of the Florida Public Transit Act; amending s. 341.041, F.S.; including intercity bus service as part of the transit responsibilities of the Department of Transportation; amending s. 341.051, F.S.; authorizing the department to receive federal and state funding for intercity bus service; amending s. 341.053, F.S.; including intercity bus lines within the state's intermodal freight network; providing that intercity bus service is one the projects eligible for funding under the Intermodal Development Program; amending s. 339.135, F.S.; providing for distribution of funds for

the intercity bus program; providing for state matching funds; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2070** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lynn—

SB 1638—A bill to be entitled An act relating to child support; amending s. 61.046, F.S.; redefining the term “support order” for purposes of ch. 61, F.S.; to include an order of an administrative agency; amending s. 61.13, F.S.; deleting the requirement that a child support order include the minor’s social security number; amending s. 61.181, F.S.; requiring the clerk of the court to establish an account for interstate cases; amending s. 120.80, F.S.; providing for the location of an administrative hearing; amending ss. 382.013 and 382.016, F.S.; permitting voluntary acknowledgments of paternity which are witnessed; amending s. 409.2557, F.S.; authorizing the Department of Revenue to adopt rules to administer the withholding of insurance payments; amending s. 409.2558, F.S.; providing for a notice to the noncustodial parent in applying an undistributable support collection to another support order; amending s. 409.2561, F.S.; providing for the Department of Revenue to establish the obligation of support; amending s. 409.2563, F.S.; providing for the noncustodial parent to request that the Department of Revenue proceed in circuit court to determine the support obligation; revising the requirements under which a noncustodial parent may petition the circuit court to determine the support obligation; providing that the Department of Revenue is a party to court action only with respect to issues of support; amending s. 409.25656, F.S.; providing for the recovery of fees in liquidating securities for the support owed; creating s. 409.25659, F.S.; providing for withholding insurance payments for unpaid support; providing definitions; specifying the duties of the insurer; providing that unpaid support constitutes a lien against an insurance claim; providing for notice to the obligor; providing for payment to the Department of Revenue; providing for an exemption for certain fees and expenses; providing rulemaking authority; amending s. 409.257, F.S.; permitting the use of any means of service of process under ch. 48, F.S.; amending s. 409.2572, F.S.; revising the definition of noncooperation or failure to cooperate as applied to an applicant for or a recipient of public assistance; amending s. 409.259, F.S.; revising the manner of reimbursement to the clerk of the court for court filings in Title IV-D cases; creating s. 440.123, F.S.; requiring an insurer paying workers’ compensation insurance to inquire about unpaid child support; amending s. 440.20, F.S.; requiring the judge of compensation claims to obtain information on the support owed; amending s. 742.10, F.S.; permitting voluntary acknowledgments of paternity which are witnessed; deleting the rebuttable presumption of a voluntary acknowledgment of paternity; providing effective dates.

—was read the second time by title.

The Committee on Children and Families recommended the following amendment which was moved by Senator Lynn and failed:

Amendment 1 (453958)—On page 22, line 12, after “of” insert: *health care expenditures related to the claim made by the*

Senator Lynn moved the following amendments which were adopted:

Amendment 2 (440752)—On page 3, lines 10 and 11, delete those lines and insert: *order, whether temporary or final, issued by a court of competent jurisdiction or administrative agency for the*

Amendment 3 (815608)(with title amendment)—On page 4, line 29 through page 5, line 27, delete those lines and insert:

Section 3. Effective July 1, 2003, subsections (1) and (2) of section 61.181, Florida Statutes, are amended to read:

61.181 Depository for alimony transactions, support, maintenance, and support payments; fees.—

(1)(a) The office of the clerk of the court shall operate a depository unless the depository is otherwise created by special act of the Legislature or unless, prior to June 1, 1985, a different entity was established to perform such functions. The department shall, no later than July 1,

1998, extend participation in the federal child support cost reimbursement program to the central depository in each county, to the maximum extent possible under existing federal law. The depository shall receive reimbursement for services provided under a cooperative agreement with the department pursuant to s. 61.1826. Each depository shall participate in the State Disbursement Unit and shall implement all statutory and contractual duties imposed on the State Disbursement Unit. Each depository shall receive from and transmit to the State Disbursement Unit required data through the Clerk of Court Child Support Enforcement Collection System. Payments on non-Title IV-D cases without income deduction orders shall not be sent to the State Disbursement Unit.

(b) *Upon request by the Title IV-D agency, the depository created pursuant to paragraph (a) shall establish an account for the receipt and disbursement of support payments for Title IV-D interstate cases. The Title IV-D agency shall provide a copy of the other state’s order with the request, and the depository shall advise the Title IV-D agency of the account number in writing within 4 business days after receipt of the request.*

(2)(a) For payments not required to be processed through the State Disbursement Unit, the depository shall impose and collect a fee on each payment made for receiving, recording, reporting, disbursing, monitoring, or handling alimony or child support payments as required under this section. For non-Title IV-D cases required to be processed by the State Disbursement Unit pursuant to this chapter, the State Disbursement Unit shall, on each payment received, collect a fee, and shall transmit to the depository in which the case is located 40 percent of such service charge for the depository’s administration, management, and maintenance of such case. If a payment is made to the State Disbursement Unit which is not accompanied by the required fee, the State Disbursement Unit shall not deduct any moneys from the support payment for payment of the fee. The fee shall be a flat fee based, to the extent practicable, upon estimated reasonable costs of operation. The fee shall be reduced in any case in which the fixed fee results in a charge to any party of an amount greater than 3 percent of the amount of any support payment made in satisfaction of the amount which the party is obligated to pay, except that no fee shall be less than \$1 nor more than \$5 per payment made. The fee shall be considered by the court in determining the amount of support that the obligor is, or may be, required to pay.

(b)1. ~~For the period of July 1, 1992, through June 30, 2003,~~ The fee imposed in paragraph (a) shall be increased to 4 percent of the support payments which the party is obligated to pay, except that no fee shall be more than \$5.25. The fee shall be considered by the court in determining the amount of support that the obligor is, or may be, required to pay. Notwithstanding the provisions of s. 145.022, 75 percent of the additional revenues generated by this paragraph shall be remitted monthly to the Clerk of the Court Child Support Enforcement Collection System Trust Fund administered by the department as provided in subparagraph 2. These funds shall be used exclusively for the development, implementation, and operation of the Clerk of the Court Child Support Enforcement Collection System to be operated by the depositories, including the automation of civil case information necessary for the State Case Registry. The department shall contract with the Florida Association of Court Clerks and the depositories to design, establish, operate, upgrade, and maintain the automation of the depositories to include, but not be limited to, the provision of on-line electronic transfer of information to the IV-D agency as otherwise required by this chapter. The department’s obligation to fund the automation of the depositories is limited to the state share of funds available in the Clerk of the Court Child Support Enforcement Collection System Trust Fund. Each depository created under this section shall fully participate in the Clerk of the Court Child Support Enforcement Collection System and transmit data in a readable format as required by the contract between the Florida Association of Court Clerks and the department.

2. Moneys to be remitted to the department by the depository shall be done daily by electronic funds transfer and calculated as follows:

- a. For each support payment of less than \$33, 18.75 cents.
- b. For each support payment between \$33 and \$140, an amount equal to 18.75 percent of the fee charged.
- c. For each support payment in excess of \$140, 18.75 cents.

3. The fees established by this section shall be set forth and included in every order of support entered by a court of this state which requires payment to be made into the depository.

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: providing for the continuation of a fee;

Amendment 4 (730490)—On page 6, delete line 14 and insert: contempt. *Hearings held by the Division*

Amendment 5 (423230)—On page 7, line 19; on page 8, line 5; and on page 28, lines 20 and 26, after “witnessed” insert: *by two individuals*

Amendment 6 (974408)(with title amendment)—On page 9, line 3 through page 11, line 2, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 15-18, delete those lines and insert: witnessed; amending s. 409.2558, F.S.;

Amendment 7 (222194)—On page 11, lines 18-27, delete those lines and insert: being enforced by the department, the department shall send by certified mail, return receipt requested, to the noncustodial parent at the most recent address provided by the noncustodial parent to the tribunal that issued the order, a notice stating the department’s intention to apply the payment pursuant to this subparagraph, and advising the noncustodial parent of the right to contest the department’s proposed action in the circuit court by filing and serving a petition on the department within 20 days after receipt of the notice. If the noncustodial parent does not file and serve a petition within 20 days after receipt of the notice, or upon a disposition of the judicial action

Amendment 8 (531178)—On page 13, line 4, delete “court” and insert: support

Amendment 9 (621868)(with title amendment)—On page 18, line 26 through page 23, line 9 delete those lines.

And the title is amended as follows:

On page 2, lines 4-13, delete those lines and insert: securities for the support owed;

Amendment 10 (973546)(with title amendment)—On page 26, line 26 through page 28, line 5, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 2, lines 22-28, delete those lines and insert: court filings in Title IV-D cases; amending s. 742.10, F.S.; permitting

Amendment 11 (033104)(with title amendment)—On page 28, lines 27 and 28, delete those lines and insert: perjury as specified by s. 92.525(2) shall create a rebuttable presumption, as defined by s. 90.304, of paternity and is

And the title is amended as follows:

On page 2, line 30 through page 3, line 2, delete those lines and insert: are witnessed; providing effective dates.

Pursuant to Rule 4.19, **SB 1638** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Cowin—

CS for CS for SB 2172—A bill to be entitled An act relating to sexual offenders; amending s. 794.0115, F.S.; providing a short title; defining a dangerous sexual felony offender; providing mandatory sentencing for such offenders; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2172** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 2316** was deferred.

On motion by Senator Margolis—

CS for SB 1822—A bill to be entitled An act relating to adult protective services; amending s. 415.1045, F.S.; requiring the Department of Children and Family Services to enter into certain working agreements with local law enforcement agencies; requiring the Office of Program Policy Analysis and Government Accountability to review and report to the Legislature; amending s. 415.1102, F.S.; defining the term “multidisciplinary adult protection team”; providing for composition of such teams; requiring the department to report to the Legislature on the status of compliance with certain recommendations relating to the Adult Services Program and to analyze and provide a plan for the implementation of multidisciplinary adult protection teams; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Saunders, the rules were waived to allow the following amendment to be considered:

Senator Saunders moved the following amendment which was adopted:

Amendment 1 (825616)(with title amendment)—On page 4, between lines 17 and 18, insert:

Section 4. *Guardianship Task Force; creation; membership, duties.*—

(1) *There is created within the Department of Elderly Affairs a Guardianship Task Force. The purpose of the task force is to examine guardianship and incapacity and make recommendations to the Governor and the Legislature for the improvement of guardianship and incapacity practice. The department shall staff the task force. The Secretary of Elderly Affairs shall appoint the chair of the task force. Members of the task force shall serve without compensation. Unless specified otherwise, task force members shall be appointed by the respective organizations that they represent.*

(2) *Members shall serve without compensation. Any member of the committee who is a public employee is entitled to reimbursement for per diem and travel expenses by his or her employer, and the cost of each member’s participation must be borne by the organization that appointed the member.*

(3) *The Guardianship Task Force shall identify the characteristics of Florida guardianship practice. It shall also identify guardianship best practices and recommend specific statutory and other changes for achieving such best practices and for achieving citizen access to quality guardianship services. The task force shall submit a preliminary report to the Governor, the Secretary of Elderly Affairs and the Legislature no later than January 1, 2004, and shall submit a final report no later than January 1, 2005.*

(4) *The Guardianship Task Force shall consist of 10 members as follows: a judge who has experience sitting in guardianship proceedings appointed by the Florida Conference of Circuit Judges, a representative of the Association of Clerks of Court, a professor of law who has experience in elder issues appointed by the Secretary of Elderly Affairs, a representative of the Florida State Guardianship Association, a representative of the Florida Guardianship Foundation, a representative of the Real Property and Probate Section of The Florida Bar, a representative of the Elder Law Section of The Florida Bar, a professional who has experience in examining and determining incapacity, a representative of the Florida Bankers’ Association and a citizen/consumer appointed by the Florida AARP (American Association of Retired Persons).*

(5) *The Guardianship Task Force may appoint auxiliary members based on their expertise to assist the task force in carrying out its duties.*

(6) *The task force is terminated May 6, 2005.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 17, after the semicolon (;) insert: creating the Guardianship Task Force within the department; providing purpose; providing for staff, a chairperson, and membership of the task force; providing for organizations that appoint members to pay their expenses; providing duties of the task force; requiring a preliminary and a final report to the Governor and the Legislature; allowing the appointment of auxiliary members; providing a term of service;

Pursuant to Rule 4.19, **CS for SB 1822** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

CS for SB 2518—A bill to be entitled An act relating to insurance; amending s. 624.310, F.S.; revising definitions; conforming provisions to a revised definition; conforming provisions to certain governmental reorganization; prohibiting affiliated parties from certain activities constituting a conflict of interest; providing exceptions; authorizing the Office of Insurance Regulation to require certain disclosures of personal interest; specifying certain restrictions governing affiliated party conduct; amending s. 624.316, F.S.; deleting provisions providing for an examination of an insurer pursuant to an agreement between the Department of Financial Services and the insurer; requiring such examinations according to rules of the department; amending s. 624.4095, F.S.; conforming provisions to certain governmental reorganization; providing for calculating certain surplus for certain insurers; amending s. 624.610, F.S.; conforming provisions to certain governmental reorganization; revising requirements for securities of a trust fund for a single assuming insurer; amending ss. 628.461 and 628.4615, F.S.; specifying additional nonapplication of acquisition of controlling stock provisions to changes of ownership of a domestic insurer or specialty insurer, respectively, under certain circumstances; creating ss. 634.042, 627.8401, 634.3076, 634.4062, and 651.029, F.S.; prohibiting certain investments by motor vehicle service agreement companies, premium finance companies, home warranty associations, service warranty associations, and continuing care providers, respectively; amending s. 440.20, F.S.; correcting a cross-reference; providing an effective date.

—was read the second time by title.

Senator Webster moved the following amendment which was adopted:

Amendment 1 (771342)—On page 12, between lines 14 and 15, insert:

(d) *This subsection does not apply to foreign or alien insurers.*

(e) *This subsection does not apply to a transaction with an affiliated party if the transaction is reported to the office pursuant to the requirements of s. 628.801.*

Pursuant to Rule 4.19, **CS for SB 2518** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Villalobos, the Senate resumed consideration of—

CS for CS for SB's 1852, 1628 and 2344—A bill to be entitled An act relating to determination of resident status for tuition purposes; amending s. 1009.21, F.S.; classifying specified students as residents for tuition purposes; classifying certain liaison officers and their spouses and dependent children as residents for tuition purposes; providing an effective date.

—which was previously considered April 28. Pending **Amendment 1 (425980)** by Senator Wilson was adopted.

Senator Wilson moved the following amendment which was adopted:

Amendment 2 (715822)(with title amendment)—On page 7, lines 23-27, delete those lines.

And the title is amended as follows:

On page 1, lines 5-8, delete those lines and insert: as residents for tuition purposes; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for SB's 1852, 1628 and 2344** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia—

CS for SB 2462—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 527.01, F.S.; redefining the term “qualifier” for purposes of ch. 527, F.S., relating to sale of liquefied petroleum gas; redefining the term “category II liquefied petroleum gas dispenser”; defining the term “category V liquefied petroleum gases dealer for industrial uses only”; amending s. 527.02, F.S.; providing for licensure of category V liquefied petroleum gases dealers for industrial uses only; providing license fees for such dealers; creating s. 527.0201, F.S.; providing for the examination of such dealers; revising criteria for determining who may make application for examination for competency; providing that a person may not act as a qualifier for more than one licensed location; providing an additional prerequisite for certification as a master qualifier; clarifying procedures in the event of specified vacancies in qualifier and master qualifier positions; clarifying provisions relating to suspension of a license if a business organization no longer possesses a duly designated qualifier; providing procedures relating to category I liquefied petroleum gas dealers or LP gas installers who no longer possess a master qualifier but employ a category I liquefied petroleum gas dealer or LP gas installer qualifier; providing that the department may deny, refuse to renew, suspend, or revoke a qualifier card or master qualifier certificate for specified causes; amending s. 527.06, F.S.; conforming a cross-reference; amending s. 527.065, F.S.; revising conditions under which liquefied petroleum gas licensees must notify the department of liquefied petroleum gas-related accidents involving a customer account; amending s. 527.11, F.S.; revising a prerequisite to obtaining a liquefied petroleum gas license; amending s. 527.13, F.S.; authorizing the department to impose administrative penalties and suspend or revoke a qualification for violation of ch. 527, F.S., rules adopted pursuant thereto, or a cease and desist order; increasing the period of time in which licensees may pay penalties to the department; authorizing the department to issue a warning letter to licenseholders, master qualifiers, qualifiers, or others in lieu of an administrative or civil penalty for first violations; amending s. 527.22, F.S.; revising terms of membership of the Propane Gas Education, Safety, and Research Council; amending s. 559.904, F.S.; revising provisions relating to applications, renewal applications, registration, and registration fees with respect to motor vehicle repair shops; amending s. 559.929, F.S.; eliminating a condition under which the department may waive security requirements with respect to registration as a seller of travel; amending s. 501.143, F.S.; providing limitations on contracts for ballroom dance studio services, the renewal of such contracts, and oral or written representations with respect thereto; providing penalties, remedies, and enforcement; amending s. 507.03, F.S.; revising registration requirements for moving services; amending s. 507.04, F.S.; revising requirements with respect to insurance coverage for moving services; amending s. 501.212, F.S.; revising an exemption from the Florida Deceptive and Unfair Trade Practices Act for certain acts or practices involving real estate; providing an effective date.

—was read the second time by title.

The Committee on Finance and Taxation recommended the following amendment which was moved by Senator Garcia and adopted:

Amendment 1 (560154)(with title amendment)—On page 30, lines 3-9, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 3, lines 10-14, delete those lines and insert: coverage for moving services; providing an effective date.

Senator Garcia moved the following amendment which was adopted:

Amendment 2 (332422)(with title amendment)—On page 3, line 18 through page 4, line 8, delete those lines and insert:

Section 1. Paragraph (h) is added to subsection (5) of section 527.01, Florida Statutes, subsections (6), (7), (10), and (11) are amended, and subsection (19) is added to that section, to read:

527.01 Definitions.—As used in this chapter:

(5) “Qualifier” means any person who has passed a competency examination administered by the department and is employed by a licensed business in one or more of the following classifications:

(h) *Category V liquefied petroleum gases dealer for industrial uses only.*

(6) “Category I liquefied petroleum gas dealer” means any person selling or offering to sell by delivery or at a stationary location any liquefied petroleum gas to the ultimate consumer for industrial, commercial, or domestic use; any person leasing or offering to lease, or exchanging or offering to exchange, any apparatus, appliances, and equipment for the use of liquefied petroleum gas; any person installing, servicing, altering, or modifying apparatus, piping, tubing, appliances, and equipment for the use of liquefied petroleum or natural gas; any person installing carburetion equipment; or any person qualifying cylinders.

(7) “Category II liquefied petroleum gas dispenser” means any person engaging in the business of operating a liquefied petroleum gas dispensing unit for the purpose of serving liquid products to the ultimate consumer for industrial, commercial, or domestic use, and selling or offering to sell, or leasing or offering to lease, apparatus, appliances, and equipment for the use of liquefied petroleum gas, including *maintaining a cylinder storage rack at the licensed business location for the purpose of storing cylinders filled by the licensed business for sale or use at a later date engaging in the business of operating a cylinder exchange unit.*

(10) “LP gas installer” means any person who is engaged in the liquefied petroleum gas business and whose services include the installation, servicing, altering, or modifying of apparatus, piping, tubing, tanks, and equipment for the use of liquefied petroleum or natural gas and selling or offering to sell, or leasing or offering to lease, apparatus, appliances, and equipment for the use of liquefied petroleum or natural gas.

(11) “Specialty installer” means any person involved in the installation, service, or repair of liquefied petroleum or natural gas appliances and equipment, and selling or offering to sell, or leasing or offering to lease, apparatus, appliances, and equipment for the use of liquefied petroleum gas, whose activities are limited to specific types of appliances and equipment as designated by department rule.

And the title is amended as follows:

On page 1, lines 7 and 8, delete those lines and insert: “category I liquefied petroleum gas dealer”; redefining the term “category II liquefied petroleum gas dispenser”; redefining the term “LP gas installer”; redefining the term “specialty installer”; defining the term “category V

Pursuant to Rule 4.19, **CS for SB 2462** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SENATOR FASANO PRESIDING

On motion by Senator Lynn—

CS for SB 2334—A bill to be entitled An act relating to municipal police and firefighter pensions; amending s. 175.351, F.S.; authorizing certain municipalities to provide extra benefits to firefighter pension plans prior to the receipt of additional premium tax revenues; providing a procedure; amending s. 185.35, F.S.; authorizing certain municipalities to provide extra benefits in police officer pension plans under certain circumstances; providing a procedure; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2334** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 2366** was deferred.

On motion by Senator Cowin, by two-thirds vote **HB 1203** was withdrawn from the Committees on Criminal Justice; Governmental Over-

sight and Productivity; Appropriations Subcommittee on Criminal Justice; and Appropriations.

On motion by Senator Cowin, by two-thirds vote—

HB 1203—A bill to be entitled An act relating to Department of Corrections personnel; amending s. 110.205, F.S.; deleting from career service exemption provisions obsolete language relating to the Correctional Education Program; classifying colonels and majors within the Department of Corrections as Selected Exempt Service employees; providing an effective date.

—a companion measure, was substituted for **CS for SB 2228** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1203** was placed on the calendar of Bills on Third Reading.

CS for SB 2122—A bill to be entitled An act relating to the designation of university buildings and roads; designating the renovated transplant housing unit at the University of Florida’s Shands Hospital as the “Gerold L. Schiebler/Shands Transplant Housing Complex”; designating the new Structures and Materials Research Laboratory for the College of Engineering at the University of Florida as “The Powell Family Structures and Materials Lab”; designating the Track/Soccer Stadium at the University of Florida as the “James G. Pressly Stadium”; designating the Academic Advising Center at the University of Florida as “Farrior Hall”; designating the proposed band rehearsal facility at the University of Florida as “Steinbrenner Band Hall”; redesignating North-South Drive on the University of Florida campus as “Gale Lemerand Drive”; designating the Track and Field Center at Florida State University as the “Michael Allen McIntosh Track and Field Center”; designating the Student Life Building, 113 South Wildwood Drive, at Florida State University as the “Reubin O’D. Askew Student Life Center”; designating the proposed entrance pavilion at the John and Mabel Ringling Museum of Art at the Florida State University Ringling Center for Cultural Arts in Sarasota as the “John M. McKay Visitors’ Pavilion”; designating the Education and Administration Building at Florida State University as the “John E. Thrasher Building”; designating the new residence hall complex at Florida State University as “Sherrill Williams Ragans Hall”; designating the School of Business and Industry building at Florida Agricultural and Mechanical University as the “Sybil C. Mobley Business Building”; designating the new allied health building at Florida Agricultural and Mechanical University as the “Margaret W. Lewis/Jacqueline B. Beck Allied Health Building”; designating the architecture building at Florida Agricultural and Mechanical University as the “Walter L. Smith Architecture Building”; designating the Archives Building at Florida Agricultural and Mechanical University as the “Meek/Eaton Southeastern Regional Black Archives Research Center and Museum”; designating the charter elementary school located on the Tampa campus of the University of South Florida as the “Dr. Kiran C. Patel Charter School”; designating the building that houses the University of Central Florida Downtown Center as the “James and Annie Ying Academic Center”; designating the student/community educational facility for health at Florida Gulf Coast University as the “Kleist Health Education Center”; designating the academic facility at Florida Gulf Coast University which will house the Resort and Hospitality Management Program as the “Herbert J. and Margaret S. Sugden Hall”; designating the new nursing building on the Boca Raton campus of Florida Atlantic University as the “Christine E. Lynn Nursing Building”; designating the new library addition on the Boca Raton campus of Florida Atlantic University as the “Herbert and Elaine Gimelstob Building”; designating the new lifelong learning complex on the Jupiter campus of Florida Atlantic University as the “Elinor Bernon Rosenthal Lifelong Learning Complex”; designating the new lifelong learning auditorium on the Jupiter campus of Florida Atlantic University as the “Tamar and Milton Maltz Center for Learning and the Performing Arts”; authorizing the respective universities to erect suitable markers; providing an effective date.

—was read the second time by title.

The Committee on Governmental Oversight and Productivity recommended the following amendment which was moved by Senator Peaden:

Amendment 1 (451462)(with title amendment)—On page 5, line 31, insert:

Section 24. *The Florida Agricultural and Mechanical University Graduate School of Business and Industry is designated as the Sybil C. Mobley Graduate School of Business and Industry.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 15, after the semicolon (;) insert: designating the Florida Agricultural and Mechanical University Graduate School of Business and Industry as the Sybil C. Mobley Graduate School of Business and Industry;

On motion by Senator Peaden, further consideration of **CS for SB 2122** with pending **Amendment 1 (451462)** was deferred.

On motion by Senator Margolis—

CS for SB 724—A bill to be entitled An act relating to county tourism promotion agencies; amending s. 125.01, F.S.; providing that a county may prohibit under certain circumstances the use of certain names by business entities that are not county tourism promotion agencies; amending s. 125.0104, F.S.; providing names by which such agencies may be called; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 724** to **HB 533**.

Pending further consideration of **CS for SB 724** as amended, on motion by Senator Margolis, by two-thirds vote **HB 533** was withdrawn from the Committees on Commerce, Economic Opportunities, and Consumer Services; Comprehensive Planning; and Finance and Taxation.

On motion by Senator Margolis—

HB 533—A bill to be entitled An act relating to county tourism promotion agencies; amending s. 125.01, F.S.; revising powers of the county governing body; authorizing the county to prohibit business entities that are not county tourism promotion agencies from using certain specified designations; amending s. 125.0104, F.S.; revising powers and duties of county tourism promotion agencies; authorizing the use of certain designations by said agencies; providing an effective date.

—a companion measure, was substituted for **CS for SB 724** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 533** was placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden, the Senate resumed consideration of—

CS for SB 2122—A bill to be entitled An act relating to the designation of university buildings and roads; designating the renovated transplant housing unit at the University of Florida's Shands Hospital as the "Gerold L. Schiebler/Shands Transplant Housing Complex"; designating the new Structures and Materials Research Laboratory for the College of Engineering at the University of Florida as "The Powell Family Structures and Materials Lab"; designating the Track/Soccer Stadium at the University of Florida as the "James G. Pressly Stadium"; designating the Academic Advising Center at the University of Florida as "Farrior Hall"; designating the proposed band rehearsal facility at the University of Florida as "Steinbrenner Band Hall"; redesignating North-South Drive on the University of Florida campus as "Gale Lemerand Drive"; designating the Track and Field Center at Florida State University as the "Michael Allen McIntosh Track and Field Center"; designating the Student Life Building, 113 South Wildwood Drive, at Florida State University as the "Reubin O'D. Askew Student Life Center"; designating the proposed entrance pavilion at the John and Mabel Ringling Museum of Art at the Florida State University Ringling Center for Cultural Arts in Sarasota as the "John M. McKay Visitors' Pavilion"; designating the Education and Administration Building at Florida State University as the "John E. Thrasher Building"; designating the new residence hall complex at Florida State University as "Sherrill Williams Ragans Hall"; designating the School of Business and Industry building at Florida

Agricultural and Mechanical University as the "Sybil C. Mobley Business Building"; designating the new allied health building at Florida Agricultural and Mechanical University as the "Margaret W. Lewis/Jacqueline B. Beck Allied Health Building"; designating the architecture building at Florida Agricultural and Mechanical University as the "Walter L. Smith Architecture Building"; designating the Archives Building at Florida Agricultural and Mechanical University as the "Meek/Eaton Southeastern Regional Black Archives Research Center and Museum"; designating the charter elementary school located on the Tampa campus of the University of South Florida as the "Dr. Kiran C. Patel Charter School"; designating the building that houses the University of Central Florida Downtown Center as the "James and Annie Ying Academic Center"; designating the student/community educational facility for health at Florida Gulf Coast University as the "Kleist Health Education Center"; designating the academic facility at Florida Gulf Coast University which will house the Resort and Hospitality Management Program as the "Herbert J. and Margaret S. Sugden Hall"; designating the new nursing building on the Boca Raton campus of Florida Atlantic University as the "Christine E. Lynn Nursing Building"; designating the new library addition on the Boca Raton campus of Florida Atlantic University as the "Herbert and Elaine Gimelstob Building"; designating the new lifelong learning complex on the Jupiter campus of Florida Atlantic University as the "Elinor Bernon Rosenthal Lifelong Learning Complex"; designating the new lifelong learning auditorium on the Jupiter campus of Florida Atlantic University as the "Tamar and Milton Maltz Center for Learning and the Performing Arts"; authorizing the respective universities to erect suitable markers; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (432738)** by the Committee on Governmental Oversight and Productivity was adopted.

Senator Smith moved the following amendment which was adopted:

Amendment 2 (432738)(with title amendment)—On page 5, line 31, insert:

Section 25. *The University of Florida Turfgrass Research Envirotron is designated as the "Jeff Hayden Turfgrass Envirotron of the University of Florida."*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 15, after the semicolon (;) insert: designating the Turfgrass Research Envirotron at the University of Florida as the "Jeff Hayden Turfgrass Research Envirotron at the University of Florida";

Pursuant to Rule 4.19, **CS for SB 2122** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1784** was deferred.

On motion by Senator Cowin—

CS for CS for SJR 1172 and SJR 1672—A joint resolution proposing an amendment to Section 5 of Article XI of the State Constitution relating to the approval of constitutional amendments.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SJR 1172 and SJR 1672** was placed on the calendar of Bills on Third Reading.

On motion by Senator Posey—

CS for CS for SB 478—A bill to be entitled An act relating to actions against law enforcement officers; providing a short title; amending s. 111.065, F.S.; redefining the term "law enforcement officer" for purposes of the payment of costs and attorney's fees in certain actions commenced against a law enforcement officer; revising circumstances under which the employing agency of a law enforcement officer has the option of paying legal costs and attorney's fees in an action arising out of the

officer's official duties; requiring that an officer's employing agency pay legal costs and attorney's fees under certain circumstances involving an emergency, imminent death or bodily harm, or the pursuit or apprehension of an offender; providing for jurisdiction relating to legal costs and attorney's fees; providing certain limitations of the amount awarded; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 478** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1626** was deferred.

On motion by Senator Webster—

CS for SB 1734—A bill to be entitled An act relating to time limitations for prosecution of sexual battery; amending s. 775.15, F.S.; revising provisions with respect to time limitations for the prosecution of a first-degree felony offense of sexual battery against a victim under the age of 18; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1734** to **HB 747**.

Pending further consideration of **CS for SB 1734** as amended, on motion by Senator Webster, by two-thirds vote **HB 747** was withdrawn from the Committees on Criminal Justice; Judiciary; Appropriations Subcommittee on Criminal Justice; and Appropriations.

On motion by Senator Webster—

HB 747—A bill to be entitled An act relating to sexual battery time limitations; amending s. 775.15, F.S.; revising language with respect to time limitations for a prosecution of the crime of sexual battery; providing an effective date.

—a companion measure, was substituted for **CS for SB 1734** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 747** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dockery—

CS for SB 728—A bill to be entitled An act relating to rural land protection; amending s. 201.15, F.S.; providing for the distribution of certain excise taxes on documents to the Rural Lands Program Trust Fund of the Department of Agriculture and Consumer Services; creating s. 215.6195, F.S.; authorizing the issuance of bonds for rural land protection; providing certain conditions; providing for the deposit of proceeds; providing that issuance of such bonds is in the best interests of the state; amending s. 570.207, F.S.; providing uses for funds in the Conservation and Recreation Lands Program Trust Fund; amending s. 570.70, F.S.; providing conclusions of a study by the department; amending s. 570.71, F.S.; authorizing the use of rural land protection bonds to implement provisions relating to conservation and rural land protection easements and agreements; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 728** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dockery—

SB 730—A bill to be entitled An act relating to trust funds; creating s. 570.209, F.S.; creating the Rural Lands Program Trust Fund within the Department of Agriculture and Consumer Services; providing for sources of funds and purposes; providing for an annual carryforward of funds; providing for future legislative review and termination or recreation of the trust fund; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 730** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1132** and **CS for CS for SB 1740** was deferred.

On motion by Senator Alexander—

CS for CS for SB 1300—A bill to be entitled An act relating to citrus; amending s. 403.08725, F.S.; redefining the terms “new sources” and “existing sources”; amending permitted emissions limits; providing for the Department of Environmental Protection to develop, by a specified deadline, management practices to prevent or minimize certain pollutants that are not specifically named in this section; postponing the date by which certain actions must be accomplished; providing specific contents of rules adopted by the department; providing additional emissions limits; providing for the expiration of the program created under this section; providing prerequisites to salary adjustments for certain employees of the Department of Citrus; requiring the Department of Citrus to publish an annual travel report; providing requirements for the contents of that report; repealing s. 581.1845, F.S., relating to citrus canker eradication and compensation to homeowners; providing an effective date.

—was read the second time by title.

Senator Alexander moved the following amendment which was adopted:

Amendment 1 (361314)(with title amendment)—On page 14, lines 19 and 20, delete section 4 and renumber subsequent sections.

And the title is amended as follows:

On page 1, lines 20-22, delete those lines and insert: for the contents of that report;

Pursuant to Rule 4.19, **CS for CS for SB 1300** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for CS for SB 1776—A bill to be entitled An act relating to the Streamlined Sales and Use Tax Agreement; amending s. 212.02, F.S.; redefining the terms “lease,” “let,” “rental,” “sales price,” and “tangible personal property” and defining the terms “agent,” “seller,” “certified service provider,” “direct mail,” “prewritten computer software,” and “delivery charges” for purposes of sales and use taxes; providing applicability; amending s. 212.05, F.S.; deleting provisions relating to the rental or lease of motor vehicles; providing for determination of the location of the sale or recharge of prepaid calling arrangements; amending s. 212.054, F.S.; providing the time for applying changes in local option tax rates; providing guidelines for determining the situs of certain transactions; providing for notice of a change in a local option sales tax rate; providing for applicability of s. 202.22(2), F.S., relating to determination of local tax situs, for the purpose of providing and maintaining a database of sales and use tax rates for local jurisdictions; amending s. 212.06, F.S.; defining terms; providing general rules for determining the location of transactions involving the retail sale of tangible personal property, digital goods, or services and for the lease or rental of tangible personal property; requiring certain business purchasers to obtain multiple points of use exemption forms; providing for use of such forms; requiring certain purchasers of direct mail to obtain a direct mail form; providing for the use of such form; amending s. 212.08, F.S., relating to exemptions from the sales and use tax; defining and redefining terms used with respect to the exemption for general groceries; defining and redefining terms used with respect to the exemption for medical products and supplies; revising that exemption; amending s. 212.095, F.S.; revising provisions relating to refunds; creating s. 212.094, F.S.; providing that a purchaser seeking a refund or credit under chapter 212, F.S., must submit a written request for the refund or credit; providing a time period within which the dealer shall respond to the written request;

amending s. 212.17, F.S.; prescribing additional guidelines and procedures with respect to dealer credits for taxes paid on worthless accounts; creating s. 213.052, F.S.; providing for notice of state sales or use tax rate changes; creating s. 213.0521, F.S.; providing the effective date for state sales and use tax rate changes; amending s. 213.21, F.S.; providing for amnesty to certain sellers for uncollected or unpaid sales and use taxes; amending s. 213.256, F.S., relating to simplified sales and use tax administration; defining terms; providing that authority to administer the Streamlined Sales and Use Tax Agreement rests with a governing board comprised of representatives of member states; providing for continuing effect of the agreement; providing for annual recertification by member states; creating s. 213.2567, F.S.; providing for the registration of sellers, the certification of a person as a certified service provider, and the certification of a software program as a certified automated system by the governing board under the Streamlined Sales and Use Tax Agreement; amending s. 212.055, F.S.; conforming a cross-reference; repealing s. 212.0596(6), F.S., relating to the exemption from collecting and remitting any local option surtax for certain dealers who make mail order sales; declaring legislative intent; providing for the adoption of emergency rules; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1776** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dockery—

CS for CS for SB 1944—A bill to be entitled An act relating to mobile home owners; amending s. 48.183, F.S.; providing for service of process in an action for possession of residential premises; creating s. 320.08015, F.S.; providing for a license tax surcharge for deposit in the Florida Mobile Home Relocation Trust Fund; amending s. 320.081, F.S.; conforming to the act; amending s. 715.101, F.S.; including a reference to chapter 723, F.S., in the Disposition of Personal Property Landlord and Tenant Act; amending s. 723.007, F.S.; providing a surcharge under the Florida Mobile Home Act on certain mobile home lots for deposit in the Florida Mobile Home Relocation Trust Fund; amending s. 723.023, F.S.; authorizing mobile home park owners to charge a fee for the cost of cleanup or repair of a mobile home or lot under certain circumstances; amending s. 723.037, F.S.; prohibiting the filing of certain actions in circuit court in the event that a request for mediation has not been filed; amending s. 723.041, F.S.; providing for the placement of any size used or new mobile home on a mobile home lot under certain circumstances; amending s. 723.061, F.S.; revising language to include reference to the eviction of a mobile home tenant or a mobile home occupant; amending s. 723.0611, F.S.; providing that persons who receive compensation from the Florida Mobile Home Relocation Corporation shall not have a claim or cause of action against the corporation or the park owner under certain circumstances; amending s. 723.06115, F.S.; revising language with respect to the Florida Mobile Home Relocation Trust Fund; providing reference to the deposit of certain surcharges into the trust fund; amending s. 723.06116, F.S.; increasing certain fees; providing an additional situation in which a mobile home park owner is not required to make certain payments and is not entitled to certain compensation from the Florida Mobile Home Relocation Corporation; amending s. 723.0612, F.S.; revising language with respect to compensation from the Florida Mobile Home Relocation Corporation; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Dockery moved the following amendment which was adopted:

Amendment 1 (815070)(with title amendment)—On page 6, line 10 through page 7, line 23, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 16-23, delete those lines and insert: Trust Fund; amending s. 723.041, F.S.;

Pursuant to Rule 4.19, **CS for CS for SB 1944** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By direction of the President, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

HB 513—A bill to be entitled An act relating to insurance claims and premium payments; amending s. 627.4035, F.S.; providing for the payment of insurance premiums by a debit or credit card, automatic electronic funds transfer, or payroll deduction plan; amending s. 627.7015, F.S.; defining “claim” for purposes of alternative procedures for resolution of disputed property insurance claims; amending s. 627.901, F.S.; revising limits on service charges for premium financing; providing an effective date.

—as amended April 28 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Atwater, the Senate reconsidered the vote by which **Amendment 1 (763356)** as amended was adopted.

MOTION

On motion by Senator Atwater, the rules were waived to allow the following amendments to be considered:

Senator Atwater moved the following amendments to **Amendment 1** which were adopted by two-thirds vote:

Amendment 1B (811236)(with title amendment)—On page 49, line 16 through page 50, line 2, delete those lines

And the title is amended as follows:

On page 74, lines 29-31, delete those lines and insert: request; amending s.

Amendment 1C (220838)—On page 64, lines 17 and 18, delete those lines and insert: *calculation, and payment method until January 1, 2004.*

MOTION

On motion by Senator Smith, the rules were waived to allow the following amendment to be considered:

Senator Smith moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1D (394416)—On page 67, line 18 through page 68, line 6, delete those lines and insert: *filing and shall be fully earned. A managing general agent that collects a per-policy fee shall remit a minimum of \$5 per policy to the Division of Insurance Fraud of the Department of Financial Services, which shall be dedicated to the prevention and detection of motor vehicle insurance fraud, and an additional \$5 per policy, 95 percent of which shall be remitted to the Justice Administration Commission, which shall distribute the collected fees to the state attorneys of the 20 judicial circuits for investigating and prosecuting cases of motor vehicle insurance fraud. The state attorneys must adopt an allocation formula that ensures equitable distribution among the 20 circuits which includes, but is not limited to, the population area served. The remaining 5 percent shall be remitted to the Office of Statewide Prosecution for investigating and prosecuting cases of motor vehicle insurance fraud. No later than July 1, 2005, the state attorneys and the Office of Statewide Prosecutor must provide a report to the President of the Senate and the Speaker of the House of Representatives evaluating the effectiveness of the investigation, detection, and prosecution of motor vehicle insurance fraud as it related to the moneys generated by the per-policy fee.*

MOTION

On motion by Senator Lee, the rules were waived to allow the following amendment to be considered:

Senator Lee moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1E (262980)(with title amendment)—On page 71, line 10, insert:

Section 81. Paragraph (x) of subsection (1) of section 626.9541, Florida Statutes, is amended to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(x) Refusal to insure.—In addition to other provisions of this code, the refusal to insure, or continue to insure, any individual or risk solely because of:

1. Race, color, creed, marital status, sex, or national origin;
 2. The residence, age, or lawful occupation of the individual or the location of the risk, unless there is a reasonable relationship between the residence, age, or lawful occupation of the individual or the location of the risk and the coverage issued or to be issued;
 3. The insured's or applicant's failure to agree to place collateral business with any insurer, unless the coverage applied for would provide liability coverage which is excess over that provided in policies maintained on property or motor vehicles;
 4. The insured's or applicant's failure to purchase noninsurance services or commodities, including automobile services as defined in s. 624.124; or
 5. *The fact that the insured or applicant is a public official; or*
- 6.5. The fact that the insured or applicant had been previously refused insurance coverage by any insurer, when such refusal to insure or continue to insure for this reason occurs with such frequency as to indicate a general business practice.

And the title is amended as follows:

On page 77, line 8, after the semicolon (;) insert: amending s. 626.9541, F.S.; prohibiting insurers from refusing to insure solely because the insured or applicant is a public official;

Amendment 1 as amended was adopted by two-thirds vote.

On motion by Senator Atwater, **CS for HB 513** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Fasano	Posey
Argenziano	Garcia	Pruitt
Aronberg	Geller	Saunders
Atwater	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	Klein	Villalobos
Carlton	Lawson	Wasserman Schultz
Clary	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	
Dockery	Peaden	

Nays—None

SPECIAL ORDER CALENDAR, continued

On motion by Senator Wasserman Schultz—

CS for CS for SB 2446—A bill to be entitled An act relating to child care; amending s. 402.305, F.S.; revising inservice training requirements for child care personnel; requiring training in early literacy and language development; amending s. 402.312, F.S.; providing grounds for injunctive relief against family day care homes or large family child care homes; providing penalties; amending s. 402.313, F.S.; requiring annual training and an annual health and safety home inspection self-evaluation by family day care home operators; requiring training in early literacy and language development; amending s. 402.3131, F.S.;

requiring annual training of operators of large family child care homes; requiring training in early literacy and language development; requiring the Department of Children and Family Services to adopt rules; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2446** was placed on the calendar of Bills on Third Reading.

On motion by Senator Alexander—

CS for CS for SB 1312—A bill to be entitled An act relating to phosphate mining; amending s. 211.3103, F.S.; amending the tax on phosphate rock; providing for the distribution of tax proceeds; deleting obsolete language; amending s. 378.021, F.S.; directing the Department of Environmental Protection to amend the master reclamation plan; amending s. 378.031, F.S.; providing additional intent concerning reclamation activities; amending s. 378.035, F.S.; amending authorized uses of funds deposited in the Nonmandatory Land Reclamation Trust Fund; removing requirements for a reserve; limiting reclamation expenditures for fiscal year 2003-2004; amending s. 378.036, F.S.; creating a not-for-profit partnership to assist in phosphate reclamation; providing duties of the partnership; providing for the administration of partnership funds; providing an appropriation; amending s. 378.212; providing authority for a variance for certain reclamation activities; amending s. 403.4154, F.S.; providing criminal penalties for certain violations; prohibiting the distribution of certain company assets under certain circumstances; providing for the declaration of an imminent hazard if certain financial conditions exist; providing limited liability for entities assisting in the abatement of imminent hazards; amending a provision granting certain rebates of phosphate fees; amending s. 403.4155, F.S.; directing that rules be developed for financial assurance, interim stack management, and stack closure; requiring the Department of Environmental Protection to conduct a study; providing funds for the study; providing for the transfer of certain funds from the P-2000 and Florida Forever Debt Service Reserve Fund; providing for the funding of a study by the Florida Institute of Phosphate Research; providing an effective date.

—was read the second time by title.

Senator Alexander moved the following amendments which were adopted:

Amendment 1 (192812)—On page 13, line 1 through page 14, line 17, delete those lines and insert:

Section 4. Subsections (5), (6), (7), (8), and (9) of section 378.035, Florida Statutes, are amended to read:

378.035 Department responsibilities and duties with respect to Nonmandatory Land Reclamation Trust Fund.—

(5) ~~On July 1, 2001, \$50 million of the unencumbered Funds within the Nonmandatory Land Reclamation Trust Fund are also authorized reserved for use by the department for the following purposes:;~~

(a) ~~These reserved moneys are to be used~~ To reclaim lands disturbed by the severance of phosphate rock on or after July 1, 1975, in the event that a mining company ceases mining and the associated reclamation prior to all lands disturbed by the operation being reclaimed. Moneys expended by the department to accomplish reclamation pursuant to this subsection shall become a lien upon the property enforceable pursuant to chapter 85. The moneys received as a result of a lien foreclosure or as repayment shall be deposited into the trust fund. In the event the money received as a result of lien foreclosure or repayment is less than the amount expended for reclamation, the department shall use all means available to recover, for the use of the fund, the difference from the affected parties. Paragraph (3)(b) shall apply to lands acquired as a result of a lien foreclosure.

(b) ~~The department may also expend funds from the \$50 million reserve fund~~ For the abatement of an imminent hazard as provided by s. 403.4154(3) and for the purpose of closing an abandoned phosphogypsum stack system and carrying out postclosure care as provided by s. 403.4154(5). ~~Fees deposited in the Nonmandatory Land Reclamation Trust Fund pursuant to s. 403.4154(4) may be used for the purposes~~

~~authorized in this paragraph. However, such fees may only be used at a stack system if closure or imminent hazard abatement activities initially commence on or after July 1, 2002.~~

~~(c)(6)(a) Up to one half of the interest income accruing to the funds reserved by subsection (5) shall be available to the department annually for the purpose of funding basic management or protection of reclaimed, restored, or preserved phosphate lands:~~

1. Which have wildlife habitat value as determined by the Bureau of Mine Reclamation;
2. Which have been transferred by the landowner to a public agency or a private, nonprofit land conservation and management entity in fee simple, or which have been made subject to a conservation easement pursuant to s. 704.06; and
3. For which other management funding options are not available.

These funds may, after the basic management or protection has been assured for all such lands, be combined with other available funds to provide a higher level of management for such lands.

~~(d)(b) Up to one half of the interest income accruing to the funds reserved by subsection (5) shall be available to the department annually for the sole purpose of funding the department's implementation of:~~

1. The NPDES permitting program authorized by s. 403.0885, as it applies to phosphate mining and beneficiation facilities, phosphate fertilizer production facilities, and phosphate loading and handling facilities;
2. The regulation of dams in accordance with department rule 62-672, Florida Administrative Code; and
3. The phosphogypsum management program pursuant to s. 403.4154 and department rule 62-673, Florida Administrative Code.

~~On or before August 1 of each fiscal year, the department shall prepare a report presenting the expenditures using the interest income allocated by this section made by the department during the immediately preceding fiscal year, which report shall be available to the public upon request.~~

~~(6)(7) Should the nonmandatory land reclamation program encumber all the funds in the Nonmandatory Land Reclamation Trust Fund except those reserved by subsection (5) prior to funding all the reclamation applications for eligible parcels, the funds reserved by subsection (5) shall be available to the program to the extent required to complete the reclamation of all eligible parcels for which the department has received applications.~~

~~(7)(8) The department may not accept any applications for nonmandatory land reclamation programs after July 1, 2004 November 1, 2008.~~

~~(8)(9) The Bureau of Mine Reclamation shall review the sufficiency of the Nonmandatory Land Reclamation Trust Fund to support the stated objectives and report to the secretary annually with recommendations as appropriate. The report submittal for calendar year 2008 shall specifically address the effect of providing a future refund of fees paid pursuant to s. 403.4154(4) following certification of stack closure pursuant to department rules, and the report shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives on or before March 1, 2009.~~

Amendment 2 (465120)(with title amendment)—On page 16, lines 7-19 delete those lines and insert:

Section 6. Subsection (1) of section 378.212, Florida Statutes, is amended to read:

378.212 Variances.—

(1) Upon application, the secretary may grant a variance from the provisions of this part or the rules adopted pursuant thereto. Variances and renewals thereof may be granted for any one of the following reasons:

(a) There is no practicable means known or available to comply with the provisions of this part or the rules adopted pursuant thereto.

(b) Compliance with a particular requirement or requirements from which a variance is sought will necessitate the taking of measures which must be spread over a considerable period of time. A variance granted for this reason shall prescribe a timetable for the taking of the measures required.

(c) To relieve or prevent hardship, including economic hardship, of a kind other than those provided for in paragraphs (a) and (b).

(d) To accommodate specific phosphate mining, processing or chemical plant uses that otherwise would be inconsistent with the requirements of this part.

(e) To provide for an experimental technique that would advance the knowledge of reclamation and restoration methods.

(f) To accommodate projects, including those proposing offsite mitigation, that provide a significant regional benefit for wildlife and the environment.

(g) To accommodate reclamation that provides water supply development or water resource development not inconsistent with the applicable regional water supply plan approved pursuant to s. 373.0361, provided adverse impacts are not caused to the water resources in the basin. A variance may also be granted from the requirements of part IV of chapter 373, or the rules adopted thereunder, when a project provides an improvement in water availability in the basin and does not cause adverse impacts to water resources in the basin.

Section 7. Subsection (9) is added to section 378.404, Florida Statutes, to read:

378.404 Department of Environmental Protection; powers and duties.—The department shall have the following powers and duties:

(9) To grant variances from the provisions of this part to accommodate reclamation that provides for water supply development or water resource development not inconsistent with the applicable regional water supply plan approved pursuant to s. 373.0361, appropriate stormwater management, improved wildlife habitat, recreation, or a mixture thereof, provided adverse impacts are not caused to the water resources in the basin and public health and safety are not adversely affected.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 23, after the semicolon (;) insert: amending s. 378.404, F.S.; allowing variances for water supply development;

Amendment 3 (413030)—On page 26, lines 3-13, delete those lines and insert:

(2) Upon completion of the study, the department shall prepare and adopt a resource management plan for the Peace River Basin to minimize any identified existing and future adverse cumulative impacts to water resources of the basin, including surface waters, groundwaters, wetlands, fisheries, aquatic and estuarine habitat, and water supplies. The plan shall identify regulatory and nonregulatory actions necessary to minimize existing and future adverse cumulative impacts identified in the study and where appropriate, shall also recommend statutory changes to improve regulatory programs to minimize identified cumulative impacts to water resources of the basin.

Amendment 4 (905000)(with title amendment)—On page 26, line 28 through page 27, line 7, delete those lines and insert:

Section 10. *For fiscal year 2003-2004, the sum of \$12.5 million is hereby transferred from the Nonmandatory Land Reclamation Trust Fund to the General Revenue Fund.*

And the title is amended as follows:

On page 2, lines 8 and 9, delete those lines and insert: from the Nonmandatory Land Reclamation Trust Fund to the General Revenue Fund; providing for the funding

Pursuant to Rule 4.19, **CS for CS for SB 1312** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1724** was deferred.

CS for SB 2388—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 372.001, F.S.; providing and revising definitions; amending s. 372.0222, F.S.; authorizing the commission to purchase certain promotional items; amending s. 372.07, F.S.; requiring clerks of the court to notify the commission within a specified time period of the disposition of any citation issued under ch. 372, F.S.; amending s. 372.16, F.S.; deleting an obsolete reference relating to private game preserves and farms; amending s. 372.57, F.S.; revising provisions specifying fees and requirements for recreational licenses, permits, and authorization numbers; clarifying language relating to recreational vessel licenses; amending s. 372.6673, F.S.; revising provisions relating to issuance and expiration dates of alligator trapping licenses; amending s. 372.921, F.S.; revising provisions relating to license requirements for the sale and exhibition of wildlife; providing an effective date.

—was read the second time by title.

Senator Dockery moved the following amendments which were adopted:

Amendment 1 (332988)(with title amendment)—On page 5, lines 3-14, delete those lines and insert:

Section 4. Subsections (1) and (4) of section 372.16, Florida Statutes, are amended to read:

372.16 Private game preserves and farms; penalty.—

(1) Any person owning land in this state may establish, maintain, and operate within the boundaries thereof, a private preserve and farm, not exceeding an area of 640 acres, for the protection, preservation, propagation, rearing, and production of game birds and animals for private and commercial purposes, provided that no two game preserves shall join each other or be connected. Before any private game preserve or farm is established, the owner or operator shall secure a license from the commission, the fee for which is \$50 \$5 per year.

(4) Any person violating this section for the first offense commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and for a second or subsequent offense commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Any person convicted of violating this section shall forfeit to the commission any license ~~or permit~~ issued under this section; and no further license ~~or permit~~ shall be issued to such person for a period of 1 year following such conviction.

And the title is amended as follows:

On page 1, delete line 11 and insert: 372, F.S.; amending s. 372.16, F.S.; increasing the license fee for private game preserves and farms; deleting

Amendment 2 (755490)(with title amendment)—On page 5, line 15 through page 6, line 29, delete those lines and insert:

Section 5. Subsections (1) and (3), paragraph (f) of subsection (5), paragraph (c) of subsection (7), and paragraph (b) of subsection (8), of section 372.57, Florida Statutes, are amended to read:

372.57 Recreational licenses, permits, and authorization numbers; fees established.—

(1) LICENSE, PERMIT, OR AUTHORIZATION NUMBER REQUIRED.—Except as provided in s. 372.562, no person shall ~~hunt, fish, or take game, freshwater or saltwater fish, or~~ fur-bearing animals within this state without having first obtained a license, permit, or authorization number and paid the fees set forth in this chapter. Such license, permit, or authorization number shall authorize the person to whom it is issued to ~~hunt, fish, take game, freshwater or saltwater fish, or~~ fur-bearing animals, and participate in outdoor recreational activities in accordance with the laws of the state and rules of the commission.

(3) PERSONAL POSSESSION REQUIRED.—Each license, permit, or authorization number must be in the personal possession of the person to whom it is issued while such person is ~~hunting, fishing, or~~ taking,

~~attempting to take, or possessing game, freshwater or saltwater fish, or fur-bearing animals. Any person hunting, fishing, or taking, attempting to take, or possessing game, freshwater or saltwater fish, or fur-bearing animals who fails to produce a license, permit, or authorization number at the request of a commission law enforcement officer commits a violation of the law.~~

(5) NONRESIDENT HUNTING AND FISHING LICENSES.—The licenses and fees for nonresidents participating in hunting and fishing activities in the state are as follows:

(f) Hunting license to take game for 10 consecutive days, \$45 ~~\$25~~.

(7) VESSEL LICENSES.—

(c)1. A license for any person who operates any vessel licensed to carry no more than 10 customers, or for any person licensed to operate any vessel carrying 6 or fewer customers, wherein a fee is paid, either directly or indirectly, for the purpose of taking or attempting to take saltwater fish, is \$400 per year.

2. A license for any person licensed to operate any vessel carrying 6 or fewer customers *but who operates a vessel carrying 4 or fewer customers*, wherein a fee is paid, either directly or indirectly, for the purpose of taking or attempting to take saltwater fish, is \$200 per year. The license must be kept aboard the vessel at all times.

3. A person who operates a vessel required to be licensed pursuant to paragraph (b) or this paragraph may obtain a license in her or his own name, and such license shall be transferable and apply to any vessel operated by the purchaser, provided that the purchaser has paid the appropriate license fee.

(8) SPECIFIED HUNTING, FISHING, AND RECREATIONAL ACTIVITY PERMITS.—In addition to any license required under this chapter, the following permits and fees for specified hunting, fishing, and recreational uses and activities are required:

(b)1. An annual Florida turkey permit for a resident ~~or nonresident~~ to take wild turkeys within the state is \$5.

2. *An annual Florida turkey permit for a nonresident to take wild turkeys within the state is \$100.*

And the title is amended as follows:

On page 1, delete line 18 and insert: licenses; increasing a nonresident hunting license fee; increasing fees for nonresident turkey permits; amending s. 372.6673, F.S.; revising

Senator Dockery moved the following amendment:

Amendment 3 (372506)(with title amendment)—On page 6, between lines 29 and 30, insert:

Section 6. Subsection (1) of section 372.661, Florida Statutes, is amended to read:

372.661 Private hunting preserve license fees; exception.—

(1) Any person who operates a private hunting preserve commercially or otherwise shall be required to pay a license fee of \$70 ~~\$25~~ for each such preserve; provided, however, that during the open season established for wild game of any species a private individual may take artificially propagated game of such species up to the bag limit prescribed for the particular species without being required to pay the license fee required by this section; provided further that if any such individual shall charge a fee for taking such game she or he shall be required to pay the license fee required by this section and to comply with the rules of the commission relative to the operation of private hunting preserves.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 18 and insert: licenses; amending s. 372.661, F.S.; increasing the private hunting preserve license fee; amending s. 372.6673, F.S.; revising

On motion by Senator Dockery, further consideration of **CS for SB 2388** with pending **Amendment 3 (372506)** was deferred.

On motion by Senator Sebesta—

CS for CS for SB 1168—A bill to be entitled An act relating to motor vehicles; amending s. 812.16, F.S.; including airbags and airbag assemblies within the definition of the term “major component part” for purposes of provisions prohibiting the operation of a chop shop and authorizing the seizure and forfeiture of parts and vehicles; amending s. 261.03, F.S.; amending the definition of off-highway vehicle; adding a definition; amending s. 316.2074, F.S.; amending the definition of all-terrain vehicle; amending s. 317.0003, F.S.; amending the definition of off-highway vehicle; adding a definition; repealing s. 317.0008(2), F.S., relating to the expedited issuance of duplicate certificates of title for off-highway vehicles; creating s. 317.0014, F.S.; establishing procedures for the issuance of off-highway vehicle titles; creating s. 317.0015, F.S.; providing for the applicability of certain provisions of law to the titling of off-highway vehicles; creating s. 317.0016, F.S.; providing for the expedited issuance of titles for off-highway vehicles; creating s. 317.0017, F.S.; prohibiting specified actions relating to the issuance of titles for off-highway vehicles; providing a penalty; creating s. 317.0018, F.S.; prohibiting the transfer of an off-highway vehicle without delivery of a certificate of title; prescribing other violations; providing a penalty; amending s. 318.15, F.S.; providing for driver's license reinstatement; providing disposition of fees; amending s. 319.23, F.S.; providing that licensed motor vehicle dealers must notify the Department of Highway Safety and Motor Vehicles of motor vehicles taken in trade; amending s. 320.055, F.S.; requiring leased vehicles to be registered in the name of the lessee; amending s. 320.07, F.S.; providing that certain service members are not required to pay fines for an expired mobile home registration or motor vehicle registration; amending s. 320.131, F.S.; providing for the creation of an electronic temporary license plate system; amending s. 320.27, F.S.; revising provisions relating to the suspension or revocation of a motor vehicle dealer license; amending s. 322.051, F.S.; revising provisions relating to the application for an identification card; revising fees; providing that the requirement for a fullface photograph or digital image on an identification card may not be waived under ch. 761, F.S.; amending s. 322.08, F.S.; providing that a United States passport is an acceptable proof of identity for purposes of obtaining a driver's license; providing that a naturalization certificate issued by the United States Department of Justice is an acceptable proof of identity for such purpose; providing that specified documents issued by the United States Department of Justice are acceptable as proof of nonimmigrant classification; amending s. 322.12, F.S.; revising provisions relating to the subsequent testing of driving knowledge and skills; amending s. 322.142, F.S.; providing that the requirement for a fullface photograph or digital image on a driver's license may not be waived under ch. 761, F.S.; amending s. 322.17, F.S.; revising provisions relating to the application for a replacement or duplicate driver's license; amending s. 322.18, F.S.; revising the expiration period for driver's licenses issued to specified persons; amending s. 322.19, F.S.; revising requirements relating to name and address changes for driver's licenses; amending s. 322.21, F.S.; providing driver's license reinstatement fees; providing for fee distribution; amending s. 322.251, F.S.; providing a conforming change; amending s. 322.29, F.S.; providing driver's license reinstatement fees; providing for fee distribution; amending s. 713.78, F.S.; revising provisions relating to the placement of a wrecker operator lien against a motor vehicle; providing an effective date.

—was read the second time by title.

Senator Sebesta moved the following amendments which were adopted:

Amendment 1 (392358)(with title amendment)—On page 4, between lines 23 and 24, insert:

Section 3. Subsection (21) of section 316.003, Florida Statutes, is amended to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(21) **MOTOR VEHICLE**.—Any self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, motorized scooter,

electric personal assistive mobility device, ~~or~~ moped, or common wheelchair as defined in 49 C.F.R. Part 37.3.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 10, after the second semicolon (;) insert: amending s. 316.003, F.S.; providing a common wheelchair is not a motor vehicle;

Amendment 2 (380498)(with title amendment)—On page 17, between lines 12 and 13, insert:

Section 13. Paragraph (e) of subsection (1) of section 319.30, Florida Statutes, is amended to read:

319.30 Definitions; dismantling, destruction, change of identity of motor vehicle or mobile home; salvage.—

(1) As used in this section, the term:

(e) “Major component parts” means:

1. For motor vehicles other than motorcycles, the front-end assembly (fenders, hood, grill, and bumper), cowl assembly, rear body section (both quarter panels, trunk lid, door, decklid, and bumper), floor pan, door assemblies, engine, frame, transmission, *chassis connected to a frame*, and airbag.

2. For trucks, in addition to those parts listed in subparagraph 1., any truck bed, including dump, wrecker, crane, mixer, cargo box, or any bed which mounts to a truck frame.

3. For motorcycles, the body assembly, frame, fenders, gas tanks, engine, cylinder block, heads, engine case, crank case, transmission, drive train, front fork assembly, and wheels.

4. For mobile homes, the frame.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 6, after the semicolon (;) insert: amending s. 319.30, F.S.; revising the definition of major component parts;

Senators Alexander and Sebesta offered the following amendment which was moved by Senator Alexander and adopted:

Amendment 3 (101680)(with title amendment)—On page 19, between lines 12 and 13, insert:

Section 14. Paragraph (a) of subsection (3) of section 320.06, Florida Statutes, is amended to read:

320.06 Registration certificates, license plates, and validation stickers generally.—

(3)(a) Registration license plates shall be of metal specially treated with a retroreflective material, as specified by the department. The registration license plate is designed to increase nighttime visibility and legibility and shall be at least 6 inches wide and not less than 12 inches in length, unless a plate with reduced dimensions is deemed necessary by the department to accommodate motorcycles, mopeds, or similar smaller vehicles. Validation stickers shall be treated with a retroreflective material, shall be of such size as specified by the department, and shall adhere to the license plate. The registration license plate shall be imprinted with a combination of bold letters and numerals or numerals, not to exceed seven digits, to identify the registration license plate number. The license plate shall also be imprinted with the word “Florida” at the top and the name of the county in which it is sold at the bottom, except that apportioned license plates shall have the word “Apportioned” at the bottom and license plates issued for vehicles taxed under s. 320.08(3)(d), (4)(m) or (n), (5)(b) or (c), or (14) shall have the word “Restricted” at the bottom. License plates issued for vehicles taxed under s. 320.08(12) must be imprinted with the word “Florida” at the top and the word “Dealer” at the bottom. Manufacturer license plates issued for vehicles taxed under s. 320.08(12) must be imprinted with the word “Florida” at the top and the word “Manufacturer” at the bottom. License plates issued for vehicles taxed under s. 320.08(5)(d) or (e) must be imprinted with the word “Wrecker” at the bottom. Any county may, upon

majority vote of the county commission, elect to have the county name removed from the license plates sold in that county. The words "Sunshine State" shall be printed in lieu thereof. In those counties where the county commission has not removed the county name from the license plate, the tax collector may, in addition to issuing license plates with the county name printed on the license plate, also issue license plates with the words "Sunshine State" printed on the license plate subject to the approval of the department and a legislative appropriation for the additional license plates. A license plate issued for a vehicle taxed under s. 320.08(6) may not be assigned a registration license number, or be issued with any other distinctive character or designation, that distinguishes the motor vehicle as a for-hire motor vehicle. *The department may not change the design of the registration license plate without prior legislative approval.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 8, after the semicolon (;) insert: amending s. 320.06, F.S.; providing the department may not change the design of the registration license plate without legislative approval;

Senator Sebesta moved the following amendments which were adopted:

Amendment 4 (972906)(with title amendment)—On page 21, between lines 7 and 8, insert:

Section 15. Section 320.0706, Florida Statutes, is amended to read:

320.0706 Display of license plates on trucks.—The owner of any commercial truck of gross vehicle weight of 26,001 pounds or more shall display the registration license plate on both the front and rear of the truck in conformance with all the requirements of s. 316.605 that do not conflict with this section. However, the owner of a truck tractor shall be required to display the registration license plate only on the front of such vehicle. *Wreckers shall be required to display the registration license plate only on the front of such vehicle.*

Section 16. Section 320.08053, Florida Statutes, is amended to read:

320.08053 Requirements for requests to establish specialty license plates.—

(1) An organization that seeks authorization to establish a new specialty license plate for which an annual use fee is to be charged must submit to the department:

(a) A request for the particular specialty license plate being sought, describing the proposed specialty license plate in *specific general* terms, including a sample plate as it will appear in final form and conforming to the specifications set by the department and this chapter.

(b) A financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the sale of the requested specialty license plate ~~The results of a scientific sample survey of Florida motor vehicle owners that indicates at least 15,000 motor vehicle owners intend to purchase the proposed specialty license plate at the increased cost. The sample survey of registered motor vehicle owners must be performed independently of the requesting organization by an organization that conducts similar sample surveys as a normal course of business. Prior to conducting a sample survey for the purposes of this section, a requesting organization must obtain a determination from the department that the organization selected to conduct the survey performs similar surveys as a normal course of business and is independent of the requesting organization.~~

(c) ~~An application fee, not to exceed \$60,000, to defray the department's cost for reviewing the application and developing the specialty license plate, if authorized. State funds may not be used to pay the application fee, except for collegiate specialty license plates authorized in s. 320.08058(3) and (13). The specialty license plate application provisions of this act shall not apply to any organization which has requested and received the required forms for obtaining a specialty license plate authorization from the Department of Highway Safety and Motor Vehicles, has opened a bank account for the funds collected for the specialty license tag and has made deposits to such an account, and has obtained signatures toward completing the requirements for the specialty license~~

~~tag. All applications requested on or after the effective date of this act must meet the requirements of this act.~~

~~(d) A marketing strategy outlining short-term and long-term marketing plans for the requested specialty license plate and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the sale of the requested specialty license plates.~~

~~The information required under this subsection must be submitted to the department at least 90 days before the convening of the next regular session of the Legislature.~~

(2) *From the date the request for the specialty license plate is acknowledged in writing by the department, the organization seeking to establish the new plate shall have 24 months to submit to the department no less than 8,000 prepaid applications for the particular plate being proposed along with any necessary fees. Applications submitted to the department must:*

(a) *Include the applicant's name, address, and the current Florida license plate number that is to be replaced by the proposed specialty license plate.*

(b) *Be forwarded to the department, collectively, in electronic format as determined by the department.*

(c) *Be accompanied by all prepayments for the proposed specialty license plate collected by the organization.*

(3) *Upon compliance with subsection (2), the organization requesting the specialty license plate may seek legislative approval of the plate. From the date of enactment of the specialty license plate by the Legislature, the department shall begin issuing the approved plates within 1 year to all prepaid applicants and provide additional plates for purchase. Upon enactment of the specialty license plate, the department is authorized to retain prepayment amounts sufficient to cover the costs incurred developing the plate; however, the department may not retain an amount greater than \$60,000. If the proposed specialty license plate is not enacted by the Legislature, the department shall return to the organization all applications and prepayments submitted by the organization, and the organization shall immediately refund to all applicants any payments that have been collected.*

(4) *If, after 24 months, the organization seeking to establish the new specialty license plate has not obtained at least 8,000 prepaid applications, the organization shall immediately refund to all applicants any fees or deposits that have been collected.*

(5) *After the department has acknowledged in writing the organization's request to establish a new specialty license plate, the organization requesting the plate shall file quarterly financial reports to the department detailing all collections made in conjunction with the proposed plate. The department shall determine the form and content of the reports. All payments collected must be deposited in a separate account maintained by the organization solely for receipt of prepaid application fees and shall not be commingled with other funds of the organization. The department is authorized to conduct any audits necessary to verify the accuracy of the quarterly reports. If the specialty license plate requested by the organization is approved by law, the organization must submit the proposed art design for the specialty license plate to the department as soon as practicable, but no later than 60 days after the act approving the specialty license plate becomes a law. If the specialty license plate requested by the organization is not approved by the Legislature, the application fee shall be refunded to the requesting organization.*

Section 17. Subsection (8) of section 320.08056, Florida Statutes, is amended to read:

320.08056 Specialty license plates.—

(8)(a) *The department must discontinue the issuance of an approved specialty license plate if, after the second year of sales, the number of currently outstanding and valid specialty license plates for any particular organization provided for in this chapter is less than 8,000. The department shall notify the organization that if the number is less than 8,000 one year after the date of the notification, the department will no longer issue or replace those specialty license plates. :*

~~1. Less than 8,000 plates, including annual renewals, are issued for that specialty license plate by the end of the 5th year of sales.~~

~~2. Less than 8,000 plates, including annual renewals, are issued for that specialty license plate during any subsequent 5-year period.~~

(b) The department is authorized to discontinue the issuance of a specialty license plate and distribution of associated annual use fee proceeds if the organization no longer exists, if the organization has stopped providing services that are authorized to be funded from the annual use fee proceeds, or pursuant to an organizational recipient's request. Organizations are required to notify the department immediately to stop all warrants for plate sales if any of the conditions in this section exist, and must meet the requirements of s. 320.08062 for any period of operation during a fiscal year.

(c) The requirements of paragraph (a) shall not apply to collegiate specialty license plates authorized in s. 320.08058(3), (13), (21), and (26).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 12, after the semicolon (;) insert: amending s. 320.0706, F.S.; providing for display of license plate on wreckers; amending s. 320.08053, F.S.; revising requirements for establishing a specialty license plate; providing procedures and timeframes; requiring submission of a sample plate; requiring a financial analysis of anticipated revenues and expenditures; requiring submission of prepaid applications; providing for content of prepaid applications; providing for legislative approval; requiring the Department of Highway Safety and Motor Vehicles to issue plates within a specified time period; authorizing the department to retain prepayments to cover certain costs; requiring refund of prepaid applications under certain circumstances; providing for a minimum number of prepaid applications; providing for quarterly reports to the department; providing procedures and requirements for collection of payments for prepaid applications; authorizing the department to audit organizations collecting prepaid applications; amending s. 320.08056, F.S.; revising conditions and procedures for discontinuance of specialty license plates; deleting an exemption from the provisions for discontinuance of specialty license plates;

Amendment 5 (382586)(with title amendment)—On page 28, line 23 through page 30, line 24, delete those lines and insert:

Section 18. Paragraph (c) of subsection (2) of section 322.08, Florida Statutes, is amended, and paragraph (f) is added to subsection (6) of said section, to read:

322.08 Application for license.—

(2) Each such application shall include the following information regarding the applicant:

(c) Proof of identity satisfactory to the department. Such proof must include one of the following documents issued to the applicant:

1. A driver's license record or identification card record from another jurisdiction that required the applicant to submit a document for identification which is substantially similar to a document required under subparagraph 2., subparagraph 3., subparagraph 4., subparagraph 5., or subparagraph 6., or subparagraph 7.;

2. A certified copy of a United States birth certificate;

3. A valid United States passport;

4. A naturalization certificate issued by the United States Department of Justice;

5. An alien registration receipt card (green card);

6. An employment authorization card issued by the United States Department of Justice; or

7. Proof of nonimmigrant classification provided by the United States Department of Justice, for an original driver's license. In order to prove nonimmigrant classification, an applicant may produce, but is not limited to, the following documents:

a. A notice of hearing from an immigration court scheduling a hearing on any proceeding.

b. A notice from the Board of Immigration Appeals acknowledging pendency of an appeal.

c. Notice of the approval of an application for adjustment of status issued by the United States Immigration and Naturalization Service.

d. Any official documentation confirming the filing of a petition for asylum status or any other relief issued by the United States Immigration and Naturalization Service.

e. Notice of action transferring any pending matter from another jurisdiction to Florida, issued by the United States Immigration and Naturalization Service.

f. An order of an immigration judge or immigration officer granting any relief that authorizes the alien to live and work in the United States, including, but not limited to, asylum.

Presentation of any documents in subparagraph 6. or subparagraph 7. entitles the applicant to a driver's license or temporary permit for a period not to exceed the expiration date of the document presented or 2 years, whichever occurs first.

(6) The application form for a driver's license or duplicate thereof shall include language permitting the following:

(f) A voluntary contribution of \$1 per applicant, which shall be distributed to the Children's Hearing Help Fund for the purpose of providing assistance to children who have been identified as having hearing loss.

A statement providing an explanation of the purpose of the trust funds shall also be included.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 23 through page 3, line 1, delete those lines and insert: ch. 761, F.S.; amending s. 322.08, F.S.; revising the list of documents accepted for proof of identity of applicant for a driver's license; providing for a voluntary contribution to be made when applying for a driver's license; providing for distribution of monies collected from contributions; amending

Amendment 6 (535828)(with title amendment)—On page 38, between lines 17 and 18, insert:

Section 25. Paragraph (d) of subsection (1) of section 322.212, Florida Statutes, is amended to read:

322.212 Unauthorized possession of, and other unlawful acts in relation to, driver's license or identification card.—

(1) It is unlawful for any person to:

(d) Knowingly sell, manufacture, or deliver, or knowingly offer to sell, manufacture, or deliver, a blank, forged, stolen, fictitious, counterfeit, or unlawfully issued driver's license or identification card, or an instrument in the similitude of a driver's license or identification card, unless that person is authorized to do so by the department. A violation of this section paragraph may be investigated by any law enforcement agency, including the Division of Alcoholic Beverages and Tobacco.

The term "driver's license" includes a driver's license issued by the department or its agents or a driver's license issued by any state or jurisdiction that issues licenses recognized in this state for the operation of a motor vehicle. The term "identification card" includes any identification card issued by the department or its agents or any identification card issued by any state or jurisdiction that issues identification cards recognized in this state for the purpose of indicating a person's true name and age. This subsection does not prohibit a person from possessing or displaying another person's driver's license or identification card for a lawful purpose.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 18, after the first semicolon (;) insert: amending s. 322.212, F.S.; revising provisions for enforcement of specified violations by the Division of Alcoholic Beverages and Tobacco;

Amendment 7 (091990)(with title amendment)—On page 39, line 26 through page 43, line 6, delete those lines and insert:

Section 27. For the purpose of incorporating the amendments to Florida Statutes, in references thereto, section 318.121, Florida Statutes, is reenacted to read:

318.121 Preemption of additional fees, fines, surcharges, and costs.—Notwithstanding any general or special law, or municipal or county ordinance, additional fees, fines, surcharges, or costs other than the court costs assessed under s. 318.18(11) may not be added to the civil traffic penalties assessed in this chapter.

Section 28. Except as otherwise provided herein, this act shall take effect October 1, 2003.

And the title is amended as follows:

On page 3, lines 22-25, delete those lines and insert: distribution; reenacting s. 318.121, F.S., relating to preemption of additional fees, fines, surcharges, and costs to incorporated amendment to s. 318.18(11), F.S., in reference thereto; providing effective dates

MOTION

On motion by Senator Sebesta, the rules were waived to allow the following amendment to be considered:

Senator Sebesta moved the following amendment which was adopted:

Amendment 8 (881142)(with title amendment)—On page 28, between lines 22 and 23, insert:

Section 18. Section 322.025, Florida Statutes, is amended to read:

322.025 Driver improvement.—

(1) The department may implement programs to improve the driving ability of the drivers of this state. Such programs may include, but shall not be limited to, safety awareness campaigns, driver training, and licensing improvement. Motorcycle driver improvement programs implemented pursuant to this section or s. 322.0255 shall be funded by the motorcycle safety education fee collected pursuant to s. 320.08(1)(c), which shall be deposited in the Highway Safety Operating Trust Fund of the department and appropriated for that purpose.

(2) *The department may offer once during a driver's lifetime to each driver who receives a points warning letter pursuant to s. 322.27(3)(f) or a restriction letter pursuant to s. 322.161, the opportunity to attend a basic driver improvement course approved by the Department of Highway Safety and Motor Vehicles. If the driver completes an approved course and presents proof of completion to the department, the department shall deduct three points from the citation that causes the action from the driver's record and permanently annotate the driver's record that the one-time offer had been accepted and used.*

Section 19. Subsection (4) of section 318.1451, Florida Statutes, is amended to read:

318.1451 Driver improvement schools.—

(4) In addition to a regular course fee, an assessment fee in the amount of \$2.50 shall be collected by the school from each person who elects to attend a course, as it relates to ss. 318.14(9), 322.025(2), 322.0261, 322.291, and 627.06501, which shall be remitted to the Department of Highway Safety and Motor Vehicles and deposited in the Highway Safety Operating Trust Fund to administer this program and to fund the general operations of the department.

And the title is amended as follows:

On page 2, line 23, after the first semicolon (;) insert: amending s. 322.025, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to offer a once-in-a-lifetime opportunity to attend a basic driver improvement course for drivers who meet certain criteria; providing that the department shall deduct points from a driver's record upon proof of

completion of the basic driver improvement course; providing that the department shall annotate the driver's record that the improvement course had been accepted and used; amending s. 318.1451, F.S.; conforming provisions to changes made by the act;

MOTION

On motion by Senator Webster, the rules were waived to allow the following amendment to be considered:

Senator Webster offered the following amendment which was moved by Senator Sebesta and adopted:

Amendment 9 (985860)—On page 19, line 7, following “vehicles” insert: *under chapter 320*

Pursuant to Rule 4.19, **CS for CS for SB 1168** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

CS for CS for SB 1724—A bill to be entitled An act relating to prompt payment for construction services; amending s. 218.70, F.S.; providing a short title; amending s. 218.72, F.S.; redefining terms used in part VII of ch. 218, F.S.; amending s. 218.735, F.S.; revising provisions relating to timely payment for purchases of construction services; revising deadlines for payment; providing procedures for project closeout and payment of retainage; providing requirements for local government construction retainage; providing that ss. 218.72-218.76, F.S., apply to the payment of any payment request for retainage; creating s. 255.0705, F.S.; providing a short title; amending s. 255.071, F.S.; revising deadlines for the payment of subcontractors, sub-subcontractors, materialmen, and suppliers on construction contracts for public projects; creating ss. 255.072, 255.073, 255.074, 255.075, 255.076, 255.077, 255.078, F.S.; providing definitions; providing for timely payment for purchases of construction services by a public entity; providing procedures for calculating payment due dates; providing procedures for handling improper payment requests; providing for the resolution of disputes; providing for project closeout and payment of retainage; providing for public-construction retainage; providing that ss. 255.072-255.076, F.S., apply to the payment of any payment request for retainage; amending s. 255.05, F.S.; providing requirements for certain notices of nonpayment served by a claimant who is not in privity with the contractor; providing limitations on a claimant's institution of certain actions against a contractor or surety; providing for certain notices to the claimant; providing an effective date.

—was read the second time by title.

Senator Bennett moved the following amendment which was adopted:

Amendment 1 (205896)(with title amendment)—On page 2, line 12, insert:

Section 1. Section 725.06, Florida Statutes, is amended to read:

725.06 Construction contracts; limitation on indemnification; *agreements to insure*.—

(1) *Except as otherwise provided in paragraphs (a), (b), and (c), any portion of any agreement or contract for or in connection with, or any guarantee of or in connection with, any construction, alteration, repair, or demolition of a building, structure, appurtenance, or appliance, including moving and excavating associated therewith, between an owner of real property and an architect, engineer, general contractor, subcontractor, sub-subcontractor, or materialman or any combination thereof wherein any party referred to herein promises to have someone named an additional insured under his insurance policy, indemnify, defend or hold harmless the other party to the agreement, contract, another person or party guarantee for liability or for damages to persons or property caused in whole or in part by any act, omission, or default of the person or party indemnitee arising from the contract or its performance, being indemnified shall be void and unenforceable as against public policy. However, this provision shall not be construed to place limits on indemnity agreements that are only between a general contractor and the owner of real property as long as unless the contract contains a monetary*

limitation on the extent of the indemnification that bears a reasonable commercial relationship to the contract and is part of the project specifications or bid documents, if any. Notwithstanding the foregoing, the monetary limitation on the extent of the indemnification provided to the owner of real property by any party in privity of contract with such owner shall not be less than \$1 million per occurrence, unless otherwise agreed by the parties. *However, such indemnification shall not include claims of, or damages resulting from, gross negligence, or willful, wanton or intentional misconduct of the indemnitee or its officers, directors, agents or employees, or for statutory violations or punitive damages except and to the extent the statutory violation or punitive damages are caused by or result from the negligent acts, omissions, or default of the indemnitor or any of the indemnitor's contractors, subcontractors, sub-subcontractors, materialmen, or agents of any tier or their respective employees.*

(a) Indemnification provisions in any such agreements, contracts, or guarantees may ~~not~~ require that the indemnitor indemnify the indemnitee for damages to persons or property caused ~~in whole or in part~~ by any act, omission, or default of ~~a party other than:~~

1.(a) The indemnitor; or

2.(b) Any of the indemnitor's contractors, subcontractors, sub-subcontractors, materialmen, or agents of any tier or their respective employees; ~~or~~

(c) ~~The indemnitee or its officers, directors, agents, or employees. However, such indemnification shall not include claims of, or damages resulting from, gross negligence, or willful, wanton or intentional misconduct of the indemnitee or its officers, directors, agents or employees, or for statutory violation or punitive damages except and to the extent the statutory violation or punitive damages are caused by or result from the acts or omissions of the indemnitor or any of the indemnitor's contractors, subcontractors, sub-subcontractors, materialmen, or agents of any tier or their respective employees.~~

(b)(2) A construction contract for a public agency or in connection with a public agency's project may require a party to that contract to indemnify and hold harmless the other party to the contract, their officers and employees, from liabilities, damages, losses and costs, including, but not limited to, reasonable attorney's fees, to the extent caused by the negligence, recklessness, or intentional wrongful misconduct of the indemnifying party and persons employed or utilized by the indemnifying party in the performance of the construction contract.

(c) *Any portion of any agreement or contract for or in connection with, or any guarantee of or in connection with, any construction, alteration, repair, or demolition of a building, structure, appurtenance, or appliance, including moving and excavating associated therewith, between an entity regulated by the Florida Public Service Commission and an architect, engineer, general contractor, subcontractor, sub-subcontractor, or materialman or any combination thereof wherein any party referred to herein promises to indemnify or hold harmless the other party to the agreement, contract, or guarantee for liability for damages to persons or property caused in whole or in part by any negligent act, omission, or default of the indemnitee arising from the contract or its performance, shall be void and unenforceable unless the contract contains a monetary limitation on the extent of the indemnification that bears a reasonable commercial relationship to the contract and is part of the project specifications or bid documents, if any. Notwithstanding the foregoing, the monetary limitation on the extent of the indemnification provided to the owner of real property by any party in privity of contract with such owner shall not be less than \$1 million per occurrence, unless otherwise agreed by the parties. Indemnification provisions in any such agreements, contracts, or guarantees may not require that the indemnitor indemnify the indemnitee for damages to persons or property caused in whole or in part by any act, omission, or default of a party other than:*

1. The indemnitor;

2. Any of the indemnitor's contractors, subcontractors, sub-subcontractors, materialmen, or agents of any tier or their respective employees; or

3. The indemnitee or its officers, directors, agents, or employees. *However, such indemnification shall not include claims of, or damages resulting from, gross negligence, or willful, wanton or intentional misconduct of the indemnitee or its officers, directors, agents or employees, or for*

statutory violation or punitive damages except and to the extent the statutory violation or punitive damages are caused by or result from the acts or omissions of the indemnitor or any of the indemnitor's contractors, subcontractors, sub-subcontractors, materialmen, or agents of any tier or their respective employees.

(2) *If, as part of any agreement or contract for or in connection with, or any guarantee of or in connection with, any construction, alteration, repair, or demolition of a building, structure, appurtenance, or appliance, including moving and excavating associated with such activities, between or among an architect, engineer, general contractor, subcontractor, sub-subcontractor, or materialman or any combination of such persons, a policy of insurance extends certain coverage rights to an additional insured for liability arising out of the acts, errors, or omissions of the named insured, such additional insured coverage shall only provide liability protection to the additional insured for the imputed or vicarious liability imposed on the additional insured as a direct consequence of the negligent acts or omissions of the named insured.*

(3) *If a written contract requires a subcontractor, sub-subcontractor or materialman to provide a policy of insurance or a certificate of insurance to a general contractor or subcontractor, extending specific coverage rights to an additional insured:*

(a) *The general contractor or subcontractor may at any point prior to the date the subcontractor, sub-subcontractor or materialman commences work or delivers material to the project, accept or reject the policy as being nonconforming;*

(b) *If not rejected, the general contractor or subcontractor shall be deemed to have accepted the policy and;*

(c) *The general contractor or subcontractor shall not use the lack of conforming insurance as a reason to reject work already completed by a subcontractor, sub-subcontractor, or material already supplied by the materialman, or withhold payment to the subcontractor, sub-subcontractor or materialman for work already completed or material already supplied. Except as specifically provided in subsection (2), a construction contract for a public agency or in connection with a public agency's project may not require one party to indemnify, defend, or hold harmless the other party, its employees, officers, directors, or agents from any liability, damage, loss, claim, action, or proceeding, and any such contract provision is void as against public policy of this state.*

(4) This section does not affect any contracts, agreements, or guarantees entered into before the effective date of this section ~~or any renewals thereof.~~

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2 and 3, delete those lines and insert: An act relating to construction services; amending s. 725.06, F.S.; providing that limitations on promises to insure or obtain insurance for certain parties to construction contracts for certain actions apply except in the case of certain agreements between contractors and property owners or agreements involving regulated utilities; providing conditions; providing exceptions; amending s. 218.70;

Senator Bennett moved the following amendment:

Amendment 2 (283600)—On page 2, line 28, delete “directly”

Senator Bennett moved the following substitute amendment which was adopted:

Amendment 3 (871110)—On page 2, line 28, after the period (.) insert: *The term includes any person who provides waste-hauling services to residents or businesses located within the boundaries of a local government pursuant to a contract or local ordinance.*

RECONSIDERATION OF AMENDMENT

On motion by Senator Lee, the Senate reconsidered the vote by which **Amendment 1 (205896)** by Senator Bennett was adopted.

POINTS OF ORDER

Senator Wasserman Schultz raised a point of order that pursuant to rule 7.1 **Amendment 1 (205896)** contained language of a bill not reported favorably by all committees of reference and was therefore out of order.

Senator Wasserman Schultz raised another point of order that pursuant to Rule 7.1 **Amendment 1 (205896)** was not germane to the bill.

Senator Bennett withdrew **Amendment 1**.

Pursuant to Rule 4.19, **CS for CS for SB 1724** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Garcia—

CS for CS for SB 1434—A bill to be entitled An act relating to public libraries; amending s. 257.17, F.S.; authorizing municipalities to receive operating grants; establishing minimum standards for receipt of funds; removing minimum population requirement for municipalities to be eligible to receive funds; amending s. 257.191, F.S.; revising provisions relating to construction grants; amending s. 257.22, F.S.; permitting eligible political subdivisions to receive warrants; amending s. 257.23, F.S.; requiring certification of annual tax income by a specified date; clarifying authority with regard to applications for grants; repealing s. 257.19, F.S., relating to library construction grants; amending s. 257.261, F.S.; revising provisions relating to confidentiality of public library registration and circulation records to authorize disclosure of information to the parent or guardian of a library patron under age 16, for the purpose of collecting fines or recovering overdue books or other materials; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1434** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dockery, the Senate resumed consideration of—

CS for SB 2388—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 372.001, F.S.; providing and revising definitions; amending s. 372.0222, F.S.; authorizing the commission to purchase certain promotional items; amending s. 372.07, F.S.; requiring clerks of the court to notify the commission within a specified time period of the disposition of any citation issued under ch. 372, F.S.; amending s. 372.16, F.S.; deleting an obsolete reference relating to private game preserves and farms; amending s. 372.57, F.S.; revising provisions specifying fees and requirements for recreational licenses, permits, and authorization numbers; clarifying language relating to recreational vessel licenses; amending s. 372.6673, F.S.; revising provisions relating to issuance and expiration dates of alligator trapping licenses; amending s. 372.921, F.S.; revising provisions relating to license requirements for the sale and exhibition of wildlife; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 3 (372506)** by Senator Dockery was adopted.

Senator Dockery moved the following amendments which were adopted:

Amendment 4 (482268)(with title amendment)—On page 7, between lines 22 and 23, insert:

Section 7. Section 372.87, Florida Statutes, is amended to read:

372.87 License fee; renewal, revocation.—The Fish and Wildlife Conservation Commission is hereby authorized and empowered to issue a license or permit for the keeping, possessing, or exhibiting of poisonous or venomous reptiles, upon payment of an annual fee of \$100 \$5 and upon assurance that all of the provisions of ss. 372.86-372.91 and such other reasonable rules and regulations as said commission may prescribe will be fully complied with in all respects. Such permit may be

revoked by the Fish and Wildlife Conservation Commission upon violation of any of the provisions of ss. 372.86-372.91 or upon violation of any of the rules and regulations prescribed by said commission relating to the keeping, possessing, and exhibiting of any poisonous and venomous reptiles. Such permits or licenses shall be for an annual period to be prescribed by the said commission and shall be renewable from year to year upon the payment of said \$5 fee and shall be subject to the same conditions, limitations, and restrictions as herein set forth.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 20, after “amending” insert: s. 372.87, F.S.; increasing the reptile license fee; amending

Amendment 5 (394398)(with title amendment)—On page 7, line 23 through page 10, line 25, delete those lines and insert:

Section 7. Section 372.921, Florida Statutes, is amended to read:

372.921 Exhibition or sale of wildlife.—

(1) In order to provide humane treatment and sanitary surroundings for wild animals kept in captivity, no person, firm, corporation, or association shall have, or be in possession of, in captivity for the purpose of public display with or without charge or for public sale any wildlife, specifically birds, mammals, amphibians, and reptiles, whether indigenous to Florida or not, without having first secured a permit from the commission authorizing such person, firm, or corporation to have in its possession in captivity the species and number of wildlife specified within such permit; however, this section does not apply to any wildlife not protected by law and the rules of the commission.

(2) The fees to be paid for the issuance of permits ~~for the exhibition of wildlife~~ required by subsection (1) shall be as follows:

(a) For not more than 25 ~~Class I or Class II~~ ~~10 Class I, Class II, or Class III~~ individual specimens in the aggregate of all species, the sum of \$150 \$5 per annum.

(b) For over 25 ~~Class I or Class II~~ ~~10 Class I, Class II, or Class III~~ individual specimens in the aggregate of all species, the sum of \$250 \$25 per annum.

(c) For any number of ~~Class III~~ individual specimens in the aggregate of all species, the sum of \$50 per annum.

The fees prescribed by this subsection shall be submitted to the commission with the application for permit required by subsection (1) and shall be deposited in the State Game Trust Fund.

(3) An applicant for a permit shall be required to include in her or his application a statement showing the place, number, and species of wildlife to be held in captivity by the applicant and shall be required upon request by the Fish and Wildlife Conservation Commission to show when, where, and in what manner she or he came into possession of any wildlife acquired subsequent to the effective date of this act. The source of acquisition of such wildlife shall not be divulged by the commission except in connection with a violation of this section or a regulation of the commission in which information as to source of wildlife is required as evidence in the prosecution of such violation.

(4) Permits issued pursuant to this section and places where wildlife is kept or held in captivity shall be subject to inspection by officers of the commission at all times. The commission shall have the power to release or confiscate any specimens of any wildlife, specifically birds, mammals, amphibians, or reptiles, whether indigenous to the state or not, when it is found that conditions under which they are being confined are unsanitary, or unsafe to the public in any manner, or that the species of wildlife are being maltreated, mistreated, or neglected or kept in any manner contrary to the provisions of chapter 828, any such permit to the contrary notwithstanding. Before any such wildlife is confiscated or released under the authority of this section, the owner thereof shall have been advised in writing of the existence of such unsatisfactory conditions; the owner shall have been given 30 days in which to correct such conditions; the owner shall have failed to correct such conditions; the owner shall have had an opportunity for a proceeding pursuant to chapter 120; and the commission shall have ordered such confiscation or release after careful consideration of all evidence in the particular case

in question. The final order of the commission shall constitute final agency action.

(5) In instances where wildlife is seized or taken into custody by the commission, said owner or possessor of such wildlife shall be responsible for payment of all expenses relative to the capture, transport, boarding, veterinary care, or other costs associated with or incurred due to seizure or custody of wildlife. Such expenses shall be paid by said owner or possessor upon any conviction or finding of guilt of a criminal or non-criminal violation, regardless of adjudication or plea entered, of any provision of chapter 828 or this chapter, or rule of the commission or if such violation is disposed of under s. 921.187. Failure to pay such expense may be grounds for revocation or denial of permits to such individual to possess wildlife.

(6) Any animal on exhibit of a type capable of contracting or transmitting rabies shall be immunized against rabies.

(7) The provisions of this section relative to licensing do not apply to any municipal, county, state, or other publicly owned wildlife exhibit. The provisions of this section do not apply to any traveling zoo, circus, or exhibit licensed as provided by chapter 205.

(8) This section shall not apply to the possession, control, care, and maintenance of ostriches, emus, and rheas, except those kept and maintained primarily for exhibition purposes in zoos, carnivals, circuses, and other establishments where such species are kept for display to the public.

(9) The commission is authorized to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section.

(10) A violation of this section is punishable as provided by s. 372.83. And the title is amended as follows:

On page 1, lines 22 and 23, delete those lines and insert: to license requirements for the sale or exhibition of wildlife; increasing permit fees; providing an effective

Amendment 6 (403522)(with title amendment)—On page 10, between lines 25 and 26, insert:

Section 8. Subsection (2) of section 372.922, Florida Statutes, is amended to read:

372.922 Personal possession of wildlife.—

(2) The classifications of types of wildlife and fees to be paid for permits for the personal possession of wildlife shall be as follows:

(a) Class I—Wildlife which, because of its nature, habits, or status, shall not be possessed as a personal pet.

(b) Class II—Wildlife considered to present a real or potential threat to human safety, the sum of \$140 ~~\$100~~ per annum.

(c) Class III—All other wildlife not included in Class I or Class II, for which a no-cost permit must be obtained from the commission.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 23, after the semicolon (;) insert: amending s. 372.922, F.S.; increasing the permit fee for personal possession of certain wildlife;

Pursuant to Rule 4.19, **CS for SB 2388** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for SB 2366—A bill to be entitled An act relating to aggravated child abuse; amending s. 827.03, F.S.; defining the term “maliciously” for purposes of the offense of aggravated child abuse; providing an effective date.

—was read the second time by title.

Senator Fasano moved the following amendment:

Amendment 1 (084842)—On page 3, lines 6-8, delete those lines and insert: *which one could conclude that a reasonable parent would not have engaged in the damaging acts toward the child for any valid reason and that the primary purpose the acts served was to cause the victim unjustifiable pain or injury.*

On motion by Senator Fasano, further consideration of **CS for SB 2366** with pending **Amendment 1 (084842)** was deferred.

On motion by Senator Fasano—

CS for SB 1784—A bill to be entitled An act relating to public records; exempting from public records requirements information and records reported to the Department of Health under the electronic monitoring system for prescription of controlled substances listed in Schedules II-IV; authorizing certain persons and entities access to patient-identifying information; providing guidelines for the use of such information and penalties for violations; providing for future legislative review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was read the second time by title.

Senator Fasano moved the following amendments which were adopted:

Amendment 1 (932710)—On page 1, lines 18-27, delete those lines and insert:

Section 1. (1)(a) *A patient's personal identifying information contained in any record reported under section 893.055, Florida Statutes, is confidential and exempt from the provisions of section 119.07(1), Florida Statutes, and Section 24(a), Article I of the State Constitution.*

(b) *This subsection is subject to the Open Government Sunset Review Act of 1995 in accordance with section 119.15, Florida Statutes, and shall stand repealed on October 2, 2008, unless reviewed and saved from repeal through reenactment by the Legislature.*

Amendment 2 (855722)—On page 1, line 20 and on page 4, line 29, after “patient” insert: *or practitioner*

Amendment 3 (860256)—On page 1, line 28, after “patient’s” insert: *or practitioner’s*

Amendment 4 (133696)—On page 3, lines 8-18, delete those lines and insert:

(f) *The patient, for purposes of checking the information for accuracy and reporting any inaccuracies to the department for correction if verified. The Department of Health shall adopt, by rule, the process to be used to verify requested corrections. A patient may request from the Department of Health a copy of any record contained in the electronic prescription monitoring system relating to that patient by providing a written request to the Department of Health and verifying the patient's identity, as required in rule of the Department of Health, and in accordance with any applicable state or federal law. The costs associated with the administration of this paragraph shall be recouped as provided by rule of the Department of Health.*

Pursuant to Rule 4.19, **CS for SB 1784** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SENATOR CARLTON PRESIDING

On motion by Senator Saunders—

CS for CS for SB 1782—A bill to be entitled An act relating to guardianship; amending s. 744.102, F.S.; redefining the term “professional guardian”; amending s. 744.1083, F.S.; revising procedures for registration of professional and public guardians; providing for the Department of Elderly Affairs to contract with a not-for-profit entity; providing for prerequisites; providing for a form; providing fees; requiring information to be provided to the courts; providing for voluntary registration as a public guardian of a state college or university or independent college or university; providing required registration information;

amending s. 744.1085, F.S.; revising provisions relating to the regulation of professional and public guardians; providing for credit checks and background screenings; providing for an examination; providing for waiver of examination; prohibiting the appointment, after a specified date, of professional and public guardians who have not met these requirements; amending s. 744.3135, F.S., relating to credit and criminal investigations; deleting applicability to certain employees; allowing a court to require nonprofessional guardians to undergo credit checks and background screening; amending s. 744.444, F.S.; allowing plenary or limited guardians to employ case managers; permitting reasonable reimbursement of compensation and fees for persons employed by the guardian for services provided to the guardianship estate; allowing plenary or limited guardians to provide certain confidential information to ombudsman council members; requiring that confidentiality be maintained; amending s. 744.534, F.S.; providing for the Secretary of Elderly Affairs to determine the use of certain unclaimed funds held by a guardian; amending s. 744.7021, F.S.; revising the organization of the Statewide Public Guardianship Office within the Department of Elderly Affairs; providing that the Secretary of Elderly Affairs shall appoint or contract with the head of the office to be executive director; providing for rulemaking by the department; amending s. 744.704, F.S.; revising the powers and duties of public guardians; prescribing who may be served by public guardians; amending s. 744.705, F.S.; repealing a provision for paying the costs of a public guardian from the budget of the office of public guardian; creating the Guardianship Task Force within the department; providing purpose; providing for staff, a chairperson, and membership of the task force; providing for organizations that appoint members to pay their expenses; providing duties of the task force; requiring a preliminary and a final report to the Governor and the Legislature; allowing the appointment of auxiliary members; providing a term of service; amending s. 744.108, F.S.; providing that costs and attorney's fees incurred as part of the guardianship administration shall be determined by the court; amending s. 744.3145, F.S.; reducing the educational requirements for a person serving as a guardian for the person's minor child; providing an effective date.

—was read the second time by title.

Senator Saunders moved the following amendments which were adopted:

Amendment 1 (363388)—On page 4, line 3 through page 5, line 24, delete those lines and insert:

(2) *The Department of Elderly Affairs may contract with the Florida Guardianship Foundation or another not-for-profit entity to perform other functions associated with the registration, examination, and training of professional and public guardians.*

~~(2) Annual registration shall be made on forms furnished by the Statewide Public Guardianship Office and accompanied by the applicable registration fee as determined by rule. Such fee shall not exceed \$25.~~

(3) Registration must include the following:

(a) If the professional guardian is a natural person, the name, address, date of birth, and employer identification or social security number of the professional guardian.

(b) If the professional guardian is a partnership or association, the name, address, and date of birth of every member, and the employer identification number of the partnership or association.

(c) If the professional guardian is a corporation, the name, address, and employer identification number of the corporation; the name, address, and date of birth of each of its directors and officers; the name of its resident agent; and the name, address, and date of birth of each person having at least a 10-percent interest in the corporation.

(d) The name, address, date of birth, and employer identification number, if applicable, of each person providing guardian-delegated financial or personal guardianship services for wards.

(e) *Demonstration of compliance with the bonding, educational, testing, credit history, and background screening requirements of ss. 744.1085 and 744.3135.*

Compliance with this subsection constitutes compliance with the attestation requirements of s. 435.04(5).

(4) *The department may authorize the collection of a registration fee to cover the actual cost of guardian registration. Such fee shall be determined by rule but may not exceed \$100.*

(5) *Any not-for-profit entity with whom the department has contracted under subsection (2) shall, in accordance with procedures prescribed by the department, provide to the clerk of court and the chief judge of each judicial circuit information relating to guardian registration.*

~~(e) Documentation that the bonding and educational requirements of s. 744.1085 have been met, and that background screening has been conducted pursuant to s. 744.3135.~~

~~(6)(4) The Department of Elderly Affairs Statewide Public Guardianship Office shall~~

Amendment 2 (113920)(with title amendment)—On page 9, line 31 through page 10, line 20, delete those lines and insert: professional or public guardian, and all employees of a professional guardian who have a fiduciary responsibility to a ward, to submit, at their own expense, to an investigation of the guardian's credit history and to undergo level 2 background screening as required under s. 435.04. The clerk of the court shall obtain fingerprint cards from the Federal Bureau of Investigation and make them available to guardians. Any guardian who is so required shall have his or her fingerprints taken and forward the proper fingerprint card along with the necessary fee to the Florida Department of Law Enforcement for processing. The professional guardian shall pay to the clerk of the court a fee of \$5 for handling and processing professional guardian files. The results of the fingerprint checks shall be forwarded to the clerk of court who shall maintain the results in a guardian file and shall make the results available to the court. If credit or criminal investigations are required, the court must consider the results of the investigations in appointing a guardian. *Professional and public* guardians and all employees of a professional guardian who have a fiduciary responsibility to a ward, so appointed, must resubmit, at their own expense, to an

And the title is amended as follows:

On page 1, lines 25 and 26, delete those lines and insert: and criminal investigations; allowing a

Amendment 3 (415582)—On page 12, line 15, delete "public" and insert: public

Amendment 4 (824888)(with title amendment)—On page 17, lines 5-13, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 2, lines 20-23, delete those lines and insert: public guardians; creating the Guardianship

Pursuant to Rule 4.19, **CS for CS for SB 1782** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

CS for SB 1842—A bill to be entitled An act relating to municipal parking facility space surcharges; creating s. 212.035, F.S.; authorizing certain municipalities to impose and collect a surcharge on certain parking facility space sale, lease, or rental charges; requiring referendum approval; providing for a maximum surcharge rate; providing an exception; providing a limitation; specifying uses and limits of surcharge proceeds; providing for local administration of the surcharge; providing an effective date.

—was read the second time by title.

The Committee on Finance and Taxation recommended the following amendment which was moved by Senator Peaden and adopted:

Amendment 1 (371754)(with title amendment)—On page 1, lines 16-18, delete those lines and insert:

Section 1. Section 166.271, Florida Statutes, is created to read:

166.271 Surcharge on municipal facility parking

And the title is amended as follows:

On page 1, line 3, delete "212.035" and insert: 166.271

The Committee on Finance and Taxation recommended the following amendment which was moved by Senator Peaden:

Amendment 2 (373410)—On page 2, line 17, after the period (.) insert: *These designated surcharge proceeds shall be used in the downtown/urban core areas.*

1. *Downtown/urban core shall be coterminous with any Downtown Development District established pursuant to section 166.0497, Florida Statutes, or chapter 65-1090, Laws of Florida. Alternatively, any eligible local governmental entity may identify the downtown/urban core area as any contiguous area consisting of lands where the predominant acreage is designated as commercial or its substantial equivalent, pursuant to the local government Comprehensive Plan or other implementing land development regulations.*

Senator Diaz de la Portilla offered the following substitute amendment which was moved by Senator Peaden and adopted:

Amendment 3 (910262)—On page 2, line 17, following the period (.) insert: *These designated surcharge proceeds shall be used in downtown or urban core areas. Downtown or urban core areas shall be coterminous with any downtown development district established pursuant to s. 166.0497 or chapter 65-1090, Laws of Florida. Alternatively, any eligible local governmental entity may identify the downtown or urban core area as any contiguous area consisting of lands where the predominant acreage is designated as commercial or its substantial equivalent pursuant to the local government comprehensive plan or other implementing land development regulations.*

The Committee on Finance and Taxation recommended the following amendment which was moved by Senator Peaden and adopted:

Amendment 4 (774576)—On page 2, lines 18-23, delete those lines and insert:

(3) *Any municipality imposing a surcharge authorized by this section shall administer the surcharge locally and should provide for brackets applicable to transactions subject to the surcharge.*

Senator Diaz de la Portilla offered the following amendment which was moved by Senator Peaden and adopted:

Amendment 5 (824222)—On page 2, lines 9-12, delete those lines and insert: *eliminate non-ad valorem assessments, unless the municipality has previously used the proceeds from the surcharge levied under s. 218.503(5)(b) to reduce the municipality's ad valorem tax millage or to reduce non-ad valorem assessments.*

Pursuant to Rule 4.19, **CS for SB 1842** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Smith—

SB 1052—A bill to be entitled An act relating to autopsies; amending s. 406.135, F.S.; providing for survivors of deceased persons to designate agents to view or obtain autopsy records from medical examiners; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 1052** to **HB 1579**.

Pending further consideration of **SB 1052** as amended, on motion by Senator Smith, by two-thirds vote **HB 1579** was withdrawn from the Committees on Judiciary; Criminal Justice; Governmental Oversight and Productivity; Appropriations Subcommittee on Criminal Justice; and Appropriations.

On motion by Senator Smith—

HB 1579—A bill to be entitled An act relating to autopsies; amending s. 406.135, F.S.; providing for certain survivors of deceased persons to designate agents to view or obtain autopsy records from medical examiners; providing an effective date.

—a companion measure, was substituted for **SB 1052** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1579** was placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia, by two-thirds vote **HB 691** was withdrawn from the Committees on Commerce, Economic Opportunities, and Consumer Services; Finance and Taxation; Appropriations Subcommittee on Transportation and Economic Development; and Appropriations.

On motion by Senator Garcia—

HB 691—A bill to be entitled An act relating to economic development incentive programs; amending s. 220.191, F.S.; including certain financial services facilities as a qualified project for purposes of the capital investment tax credit; providing for future repeal; amending s. 288.1045, F.S.; revising a definition; amending s. 288.106, F.S.; revising a definition of target industry business to include defense and homeland security businesses; extending a deadline for application for a prorated tax refund under an economic stimulus exemption; amending s. 288.1088, F.S.; deleting a function of the Executive Office of the Governor relating to project approval recommendations and release of certain funds; authorizing the Governor to reallocate unencumbered funds in the Quick Action Closing Fund to supplement certain economic development programs and operations in emergency or special circumstances; providing for reallocation approval and fund release recommendations by the Executive Office of the Governor; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2410** and read the second time by title.

Senator Garcia moved the following amendment:

Amendment 1 (405396)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (h) of subsection (1) of section 220.191, Florida Statutes, is amended to read:

220.191 Capital investment tax credit.—

(1) DEFINITIONS.—For purposes of this section:

(h) "Qualifying project" means:

1. A new or expanding facility in this state which creates at least 100 new jobs in this state and is in one of the high-impact sectors identified by Enterprise Florida, Inc., and certified by the office pursuant to s. 288.108(6), including, but not limited to, aviation, aerospace, automotive, and silicon technology industries; or

2. A new financial services facility in this state which creates at least 2,000 new jobs in this state, pays an average annual wage of at least \$50,000, and makes a capital investment of at least \$30 million. This subparagraph expires June 30, 2004.

Section 2. Paragraph (e) of subsection (1) and paragraph (b) of subsection (4) of section 288.1045, Florida Statutes, are amended to read:

288.1045 Qualified defense contractor tax refund program.—

(1) DEFINITIONS.—As used in this section:

(e) "Department of Defense contract" means a competitively bid Department of Defense contract or subcontract or a competitively bid federal agency contract or subcontract issued on behalf of the Department of Defense for manufacturing, assembling, fabricating, research, development, or design with a duration of 2 or more years, but excluding any contract or subcontract to provide goods, improvements to real or tangible property, or services directly to or for any particular military base or installation in this state. The term includes contracts or subcontracts for products or services for military or homeland security use which contracts or subcontracts are approved by the United States Department of

Defense, the United States Department of State, or the United States Department of Homeland Security ~~Coast Guard~~.

(4) QUALIFIED DEFENSE CONTRACTOR TAX REFUND AGREEMENT.—

(b) Compliance with the terms and conditions of the agreement is a condition precedent for receipt of tax refunds each year. The failure to comply with the terms and conditions of the agreement shall result in the loss of eligibility for receipt of all tax refunds previously authorized pursuant to this section, and the revocation of the certification as a qualified applicant by the director, unless the qualified applicant is eligible to receive and elects to accept a prorated refund under paragraph (5)(g) or the office grants the qualified applicant an economic-stimulus exemption.

1. A qualified applicant may submit, in writing, a request to the office for an economic-stimulus exemption. The request must provide quantitative evidence demonstrating how negative economic conditions in the qualified applicant's industry, or specific acts of terrorism affecting the qualified applicant, have prevented the qualified applicant from complying with the terms and conditions of its tax refund agreement.

2. Upon receipt of a request under subparagraph 1., the director shall have 45 days to notify the requesting qualified applicant, in writing, if its exemption has been granted or denied. In determining if an exemption should be granted, the director shall consider the extent to which negative economic conditions in the requesting qualified applicant's industry, or specific acts of terrorism affecting the qualified applicant, have prevented the qualified applicant from complying with the terms and conditions of its tax refund agreement.

3. As a condition for receiving a prorated refund under paragraph (5)(g) or an economic-stimulus exemption under this paragraph, a qualified applicant must agree to renegotiate its tax refund agreement with the office to, at a minimum, ensure that the terms of the agreement comply with current law and office procedures governing application for and award of tax refunds. Upon approving the award of a prorated refund or granting an economic-stimulus exemption, the office shall renegotiate the tax refund agreement with the qualified applicant as required by this subparagraph. When amending the agreement of a qualified applicant receiving an economic-stimulus exemption, the office may extend the duration of the agreement for a period not to exceed 1 year.

4. A qualified applicant may submit a request for an economic-stimulus exemption to the office in lieu of any tax refund claim scheduled to be submitted after January 1, 2001, but before *June 30, 2004 July 1, 2003*. *However, a qualified applicant that has received at least one economic-stimulus exemption may not apply for an additional exemption.*

5. A qualified applicant that receives an economic-stimulus exemption may not receive a tax refund for the period covered by the exemption.

Section 3. Paragraph (o) of subsection (1) and paragraph (b) of subsection (4) of section 288.106, Florida Statutes, are amended to read:

288.106 Tax refund program for qualified target industry businesses.—

(1) DEFINITIONS.—As used in this section:

(o) "Target industry business" means a corporate headquarters business or any business that is engaged in one of the target industries identified pursuant to the following criteria developed by the office in consultation with Enterprise Florida, Inc.:

1. Future growth.—Industry forecasts should indicate strong expectation for future growth in both employment and output, according to the most recent available data. Special consideration should be given to Florida's growing access to international markets or to replacing imports.

2. Stability.—The industry should not be subject to periodic layoffs, whether due to seasonality or sensitivity to volatile economic variables such as weather. The industry should also be relatively resistant to recession, so that the demand for products of this industry is not necessarily subject to decline during an economic downturn.

3. High wage.—The industry should pay relatively high wages compared to statewide or area averages.

4. Market and resource independent.—The location of industry businesses should not be dependent on Florida markets or resources as indicated by industry analysis.

5. Industrial base diversification and strengthening.—The industry should contribute toward expanding or diversifying the state's or area's economic base, as indicated by analysis of employment and output shares compared to national and regional trends. Special consideration should be given to industries that strengthen regional economies by adding value to basic products or building regional industrial clusters as indicated by industry analysis. *Special consideration also should be given to developing strong industrial clusters, including defense and homeland security.*

6. Economic benefits.—The industry should have strong positive impacts on or benefits to the state and regional economies.

The office, in consultation with Enterprise Florida, Inc., shall develop a list of such target industries annually and submit such list as part of the final agency legislative budget request submitted pursuant to s. 216.023(1). A target industry business may not include any industry engaged in retail activities; any electrical utility company; any phosphate or other solid minerals severance, mining, or processing operation; any oil or gas exploration or production operation; or any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

(4) TAX REFUND AGREEMENT.—

(b) Compliance with the terms and conditions of the agreement is a condition precedent for the receipt of a tax refund each year. The failure to comply with the terms and conditions of the tax refund agreement results in the loss of eligibility for receipt of all tax refunds previously authorized under this section and the revocation by the director of the certification of the business entity as a qualified target industry business, unless the business is eligible to receive and elects to accept a prorated refund under paragraph (5)(d) or the office grants the business an economic-stimulus exemption.

1. A qualified target industry business may submit, in writing, a request to the office for an economic-stimulus exemption. The request must provide quantitative evidence demonstrating how negative economic conditions in the business's industry, or specific acts of terrorism affecting the qualified target industry business, have prevented the business from complying with the terms and conditions of its tax refund agreement.

2. Upon receipt of a request under subparagraph 1., the director shall have 45 days to notify the requesting business, in writing, if its exemption has been granted or denied. In determining if an exemption should be granted, the director shall consider the extent to which negative economic conditions in the requesting business's industry, or specific acts of terrorism affecting the qualified target industry business, have prevented the business from complying with the terms and conditions of its tax refund agreement.

3. As a condition for receiving a prorated refund under paragraph (5)(d) or an economic-stimulus exemption under this paragraph, a qualified target industry business must agree to renegotiate its tax refund agreement with the office to, at a minimum, ensure that the terms of the agreement comply with current law and office procedures governing application for and award of tax refunds. Upon approving the award of a prorated refund or granting an economic-stimulus exemption, the office shall renegotiate the tax refund agreement with the business as required by this subparagraph. When amending the agreement of a business receiving an economic-stimulus exemption, the office may extend the duration of the agreement for a period not to exceed 1 year.

4. A qualified target industry business may submit a request for an economic-stimulus exemption to the office in lieu of any tax refund claim scheduled to be submitted after January 1, 2001, but before *June 30, 2004 July 1, 2003*. *However, a qualified target industry business that has received at least one economic-stimulus exemption may not apply for an additional exemption.*

5. A qualified target industry business that receives an economic-stimulus exemption may not receive a tax refund for the period covered by the exemption.

Section 4. Subsection (4) is added to section 288.1088, Florida Statutes, to read:

288.1088 Quick Action Closing Fund.—

(4) *The Governor may, in an emergency or special circumstance and with the approval of the President of the Senate and the Speaker of the House of Representatives, reallocate unencumbered funds appropriated to the Quick Action Closing Fund to supplement statutorily created economic development programs and operations. The Executive Office of the Governor shall recommend approval of the transfer and release of funds pursuant to the legislative consultation and review requirements set forth in s. 216.177.*

Section 5. Section 445.048, Florida Statutes, is amended to read:

445.048 Passport to Economic Progress demonstration program.—

(1) **AUTHORIZATION.**—Notwithstanding any law to the contrary, Workforce Florida, Inc., in conjunction with the Department of Children and Family Services and the Agency for Workforce Innovation, shall implement a Passport to Economic Progress demonstration program by ~~November 1, 2001~~, consistent with the provisions of this section in Hillsborough, and Manatee, and Sarasota counties. Workforce Florida, Inc., must consult with the applicable regional workforce boards and the applicable local offices of the department which serve the demonstration areas and must encourage community input into the implementation process.

(2) **WAIVERS.**—If Workforce Florida, Inc., in consultation with the Department of Children and Family Services, finds that federal waivers would facilitate implementation of the demonstration program, the department shall immediately request such waivers, and Workforce Florida, Inc., shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives if any refusal of the federal government to grant such waivers prevents the implementation of the demonstration program. If Workforce Florida, Inc., finds that federal waivers to provisions of the Food Stamp Program would facilitate implementation of the demonstration program, the Department of Children and Family Services shall immediately request such waivers in accordance with s. 414.175.

~~(3) **INCOME DISREGARD.**—In order to provide an additional incentive for employment, and notwithstanding the amount specified in s. 414.095(12), for individuals residing in the areas designated for this demonstration program, the first \$300 plus one-half of the remainder of earned income shall be disregarded in determining eligibility for temporary cash assistance. All other conditions and requirements of s. 414.095(12) shall continue to apply to such individuals.~~

(3)(4) **TRANSITIONAL BENEFITS AND SERVICES.**—In order to assist them in making the transition to economic self-sufficiency, former recipients of temporary cash assistance residing within the areas designated for this demonstration program shall be eligible for the following benefits and services:

(a) Notwithstanding the time period specified in s. 445.030, transitional education and training support services as specified in s. 445.030 for up to 4 years after the family is no longer receiving temporary cash assistance;

(b) Notwithstanding the time period specified in s. 445.031, transitional transportation support services as specified in s. 445.031 for up to 4 years after the family is no longer receiving temporary cash assistance; and

(c) Notwithstanding the time period specified in s. 445.032, transitional child care as specified in s. 445.032 for up to 4 years after the family is no longer receiving temporary cash assistance.

All other provisions of ss. 445.030, 445.031, and 445.032 shall apply to such individuals, as appropriate. This subsection does not constitute an entitlement to transitional benefits and services. If funds are insufficient to provide benefits and services under this subsection, the board of directors of Workforce Florida, Inc., may limit such benefits and services or otherwise establish priorities for the provisions of such benefits and services.

(4) INCENTIVES TO ECONOMIC SELF-SUFFICIENCY.—

(a) *The Legislature finds that:*

1. *There are former recipients of temporary cash assistance who are working full time but whose incomes are below the poverty level.*

2. *Having incomes below the federal poverty level makes such individuals particularly vulnerable to reliance on public assistance despite their best efforts to achieve or maintain economic independence through employment.*

3. *It is necessary to implement a performance-based program that defines economic incentives for achieving specific benchmarks toward self-sufficiency while the individual is working full time.*

(b) *Workforce Florida, Inc., in cooperation with the Department of Children and Family Services and the Agency for Workforce Innovation, shall offer performance-based incentive bonuses as a component of the Passport to Economic Progress demonstration program in the areas of the state which are designated for the demonstration program. The bonuses do not represent a program entitlement and shall be contingent on achieving specific benchmarks prescribed in the self-sufficiency plan. If the funds appropriated for this purpose are insufficient to provide this financial incentive, the board of directors of Workforce Florida, Inc., shall reduce or suspend the bonuses in order not to exceed the appropriation.*

(5) WAGE SUPPLEMENTATION.—

(a) *The Legislature finds that:*

1. ~~There are former recipients of temporary cash assistance who are working full time but whose incomes are below the federal poverty level.~~

2. ~~Having incomes below the federal poverty level makes such individuals particularly vulnerable to reliance on public assistance despite their best efforts to achieve or maintain economic independence through employment.~~

3. ~~It is necessary to supplement the wages of such individuals for a limited period of time in order to assist them in fulfilling the transition to economic self-sufficiency.~~

(b) ~~Workforce Florida, Inc., in cooperation with the Department of Children and Family Services and the Agency for Workforce Innovation, shall create a transitional wage supplementation program by November 1, 2001, as a component of the Passport to Economic Progress demonstration program in the areas designated for the demonstration program. This wage supplementation program does not constitute an entitlement to wage supplementation. If funds appropriated are insufficient to provide wage supplementation, the board of directors of Workforce Florida, Inc., may limit wage supplementation or otherwise establish priorities for wage supplementation.~~

(c) ~~To be eligible for an incentive bonus wage supplementation under this subsection, an individual must:~~

1. ~~Be a former recipient of temporary cash assistance who last received such assistance on or after January 1, 2000;~~

2. ~~Be employed full time, which for the purposes of this subsection means employment averaging at least 32 hours per week until the United States Congress enacts legislation reauthorizing the Temporary Assistance for Needy Families block grant, and, after the reauthorization, means employment complying with the employment requirements of the reauthorized law; and~~

3. ~~Have an average family income for the 6 months preceding the date of application for an incentive bonus wage supplementation which is less than 100 percent of the federal poverty level.~~

(d) ~~Workforce Florida, Inc., shall determine the schedule for the payment of wage supplementation under this subsection. An individual eligible for wage supplementation under this subsection may receive a payment that equals the amount necessary to bring the individual's total family income for the period covered by the payment to 100 percent of the federal poverty level. An individual may not receive wage supplementation payments for more than a total of 12 months.~~

(e) ~~The wage supplementation program authorized by this subsection shall be administered through the regional workforce boards and~~

the one-stop delivery system, under policy guidelines, criteria, and applications developed by Workforce Florida, Inc., in cooperation with the Department of Children and Family Services and the Agency for Workforce Innovation. To the maximum extent possible, the regional workforce boards shall use electronic debit card technologies to provide wage supplementation payments under this program.

(5)(6) **EVALUATIONS AND RECOMMENDATIONS.**—Workforce Florida, Inc., in conjunction with the Department of Children and Family Services, the Agency for Workforce Innovation, and the regional workforce boards in the areas designated for this demonstration program, shall conduct a comprehensive evaluation of the effectiveness of the demonstration program operated under this section. By January 1, 2005 2003, Workforce Florida, Inc., shall submit a report on such evaluation to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must include recommendations as to whether the demonstration program should be expanded to other service areas or statewide and whether the program should be revised to enhance its administration or effectiveness.

(6)(7) **CONFLICTS.**—If there is a conflict between the implementation procedures described in this section and federal requirements and regulations, federal requirements and regulations shall control.

Section 6. *The sum of \$1,785,000 is appropriated for the 2003-2004 fiscal year from the Federal Grants Trust Fund to the Department of Children and Family Services to provide bonus payments pursuant to section 445.048(4), Florida Statutes, and the sum of \$1,074,200 is appropriated for the 2003-2004 fiscal year from the Welfare Transition Trust Fund to the Agency for Workforce Innovation to extend transitional benefits and services.*

Section 7. This act shall take effect upon becoming a law.
And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to economic stimulus; amending s. 220.191, F.S.; redefining the term “qualifying project” for purposes of capital investment tax credits; amending s. 288.1045, F.S.; revising the definition of “Department of Defense contract” under the tax refund program for qualified defense contractors; extending the period applicable to a program exemption under certain conditions; amending s. 288.106, F.S.; providing for special consideration to be given to defense and homeland security under the tax refund program for qualified target industry businesses; extending the period applicable to a program exemption under certain conditions; amending s. 288.1088, F.S.; revising requirements and providing powers of the Governor with respect to using funds in the Quick Action Closing Fund; amending s. 445.048, F.S.; continuing and expanding the Passport to Economic Progress demonstration project; providing appropriations; providing an effective date.

Senator Klein moved the following amendment to **Amendment 1**:

Amendment 1A (151548)(with title amendment)—On page 13, between lines 13 and 14, and insert:

Section 6. Section 1004.225, Florida Statutes, is amended to read:
1004.225 Florida Technology Development Act.—

(1) This section may be cited as the “Florida Technology Development Act.”

(2) “Center of excellence,” as used in this section, means an organization of personnel, facilities, and equipment established at or in collaboration with one or more universities in Florida to accomplish the purposes and objectives of this section. The purposes and objectives of a center of excellence include:

(a) Identifying and pursuing opportunities for university scholars, research center scientists and engineers, and private businesses to form collaborative partnerships to foster and promote the research required to develop commercially promising, advanced, and innovative technologies and to transfer those technologies to commercial sectors.

(b) Acquiring and leveraging public and private sector funding to provide the totality of funds, personnel, facilities, equipment, and other resources needed to support the research required to develop commer-

cially promising, advanced, and innovative technologies and to transfer those technologies to commercial sectors.

(c) Recruiting and retaining world class scholars, high-performing students, and leading scientists and engineers in technology disciplines to engage in research in this state to develop commercially promising, advanced, and innovative technologies.

(d) Enhancing and expanding technology curricula and laboratory resources at universities and research centers in this state.

(e) Increasing the number of high-performing students in technology disciplines who graduate from universities in this state and pursue careers in this state.

(f) Stimulating and supporting the inception, growth, and diversification of technology-based businesses and ventures in Florida and increasing employment opportunities for the workforce needed to support such businesses.

(3) ~~Subject to legislative appropriation,~~ The Emerging Technology Commission, or “commission,” is created within the Executive Office of the Governor to guide the establishment of centers of excellence.

(a) The commission shall consist of five regular members appointed by the Governor, one of whom the Governor shall appoint as chair of the commission; two regular members appointed by the President of the Senate; two regular members appointed by the Speaker of the House of Representatives; ~~before January 7, 2003, the Secretary of Education as an ex officio nonvoting member; effective January 7, 2003, the Commissioner of Education as an ex officio nonvoting member; and, as ex officio nonvoting members, the member of the Senate and the member of the House of Representatives who serve as members of the Florida Research Consortium, Inc. The regular members shall be business leaders, industrial researchers, academic researchers, scientists, or engineers who have been recognized as leaders in the state’s emerging and advanced technology sectors. Regular members must be appointed on or before July 1, 2002.~~

(b) Members of the commission shall serve without compensation but shall be entitled to receive per diem and travel expenses in accordance with s. 112.061 while in performance of their duties.

(c) The Executive Office of the Governor shall provide staff support for the activities of the commission and per diem and travel expenses for commission members.

(4) By August 1, 2002, Florida Research Consortium, Inc., shall provide a report to the commission which describes in detail and prioritizes factors that contribute to the success of the creation of centers of excellence. At a minimum, the report should describe and prioritize the following factors:

(a) Maturity of existing university programs relating to a proposed center of excellence.

(b) Existing amount of university resources dedicated to activities relating to a proposed center of excellence.

(c) Comprehensiveness and effectiveness of site plans relating to a proposed center of excellence.

(d) Regional economic structure and climate.

(e) The degree to which a university proposed to house a center of excellence identifies and seizes opportunities to collaborate with other public or private entities for research purposes.

(f) The presence of a comprehensive performance and accountability measurement system.

(g) The use of an integrated research and development strategy utilizing multiple levels of the educational system.

(h) The ability of a university proposed to house a center of excellence to raise research funds and leverage public and private investment dollars to support advanced and emerging technological research and development projects.

(i) The degree to which a university proposed to house a center of excellence transfers advanced and emerging technologies from its laboratories to the commercial sector.

(j) The degree to which a university proposed to house a center of excellence stimulates and supports new venture creation.

(k) The existence of a plan to enhance academic curricula by improving communication between academia and industry.

(l) The existence of a plan to increase the number, quality, and retention rate of faculty, graduate students, and eminent scholars in advanced and emerging technology-based disciplines.

(m) The existence of a plan to increase the likelihood of faculty, graduate students, and eminent scholars pursuing private sector careers in the state.

(n) Ability to provide capital facilities necessary to support research and development.

(5) By September 15, 2002, the commission shall develop and approve criteria for evaluating proposals submitted under *this section* ~~subsection (6)~~. When developing such criteria, the commission shall consider the report provided by Florida Research Consortium, Inc., under subsection (4) and hold at least two public hearings, at times and locations designated by the chair of the commission, for the purpose of soliciting expert testimony. By October 1, 2002, the commission shall provide a list of such criteria to each university in the State University System and to the State Technology Office for publishing on the Internet within 24 hours after the office's receipt of the list.

(6) Concurrent with the provision of the list of criteria to the universities, the commission shall notify each university, in writing, of the opportunity to submit to the commission written proposals for establishing one or more centers of excellence. Proposals must specifically address the evaluation criteria developed by the commission and delineate how funding would be used to develop one or more centers of excellence. Proposals must be submitted to the commission by December 1, 2002. Notwithstanding this deadline, the commission, upon an affirmative vote of a majority of its members, may accept a proposal submitted after the deadline.

(7) By February 1, 2003, the commission shall submit to the State Board of Education a minimum of two, but no more than five, recommended plans for the establishment of one or more centers of excellence in the state. Recommended plans must specifically address the evaluation criteria developed by the commission and delineate how funding would be used to develop one or more centers of excellence. When developing such recommended plans, the commission shall consider the university proposals submitted under subsection (6) and hold at least three public hearings, at times and locations designated by the chair of the commission, for the purpose of soliciting expert testimony including, but not limited to, viewing presentations of university proposals.

(8) By March 15, 2003, the State Board of Education shall develop and approve a final plan for the establishment of one or more centers of excellence in the state and authorize expenditures for implementation of the plan. The final plan must allocate at least \$10 million to each center of excellence established by the plan. When developing this final plan, the board shall consider the commission's recommended plans submitted under subsection (7) and hold at least one public hearing for the purpose of soliciting expert testimony. The final plan must include performance and accountability measures that can be used to assess the progress of plan implementation and the success of the centers of excellence established under the final plan. By March 22, 2003, the board shall provide a copy of the final plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(9) Beginning June 30, 2003, the commission shall report quarterly, in writing, to the Commissioner of Education on the progress of the implementation of the final plan approved under subsection (8) and the success of the centers of excellence established under that plan.

(10)(a) *Notwithstanding any provision in this section to the contrary, and subject to appropriation by the Legislature in the General Appropriations Act for fiscal year 2003–2004, the commission shall, by August 1, 2003, reissue the list of criteria developed and approved under subsection (5) to each university in the state and to the State Technology Office for*

publishing on the Internet within 24 hours after the office's receipt of the list.

(b) *Concurrent with the provision of the list of criteria under paragraph (a), the commission shall notify each university, in writing, of the opportunity to submit to the commission written proposals for establishing one center of excellence under this subsection, which center shall be in addition to any centers of excellence established under other provisions of this section. Proposals must specifically address the evaluation criteria developed by the commission and delineate how funding would be used to develop the center of excellence. Proposals must be submitted to the commission before October 1, 2003.*

(c) *By December 1, 2003, the commission shall submit to the State Board of Education a recommended plan for the establishment of one center of excellence under this subsection. The recommended plan must specifically address the evaluation criteria developed by the commission and delineate how funding would be used to develop the center of excellence. When developing the recommended plan, the commission shall consider the proposals submitted under this subsection and hold at least two public hearings, at times and locations designated by the chair of the commission, for the purpose of soliciting expert testimony, including, but not limited to, viewing presentations of university proposals.*

(d) *By February 1, 2004, the State Board of Education shall develop and approve a final plan for the establishment of one center of excellence in the state under this subsection and authorize expenditures for implementation of the plan. The board shall consider the commission's recommended plan under paragraph (c) and hold at least one public hearing for the purpose of soliciting expert testimony. The final plan must include performance and accountability measures that can be used to assess the progress of plan implementation and the success of the center of excellence established under the final plan. By February 15, 2004, the board shall provide a copy of the final plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives.*

(e) *Beginning June 30, 2004, the commission shall report quarterly, in writing, to the Commissioner of Education on the progress of the implementation of the final plan approved under paragraph (d) and the success of the center of excellence established under that plan.*

(11)(10) This section expires July 1, 2005 ~~2004~~.

Section 7. *The sum of \$50,000 is appropriated from the General Revenue Fund to the Executive Office of the Governor for the purpose of providing staff and administrative support to the Emerging Technology Commission and per diem and travel expenses for commission members during the 2003-2004 fiscal year.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 14, line 20, after the semicolon (;) insert: amending s. 1004.225, F.S.; removing historical provisions; conforming changes; providing for the designation of an additional center of excellence; providing application, evaluation, and designation procedures; extending the expiration of the Florida Technology Development Act;

On motion by Senator Garcia, further consideration of **HB 691** with pending **Amendment 1 (405396)** and **Amendment 1A (151548)** was deferred.

Consideration of **CS for CS for SB 1756**, **CS for SB 1758** and **CS for SB 1854** was deferred.

On motion by Senator Constantine—

CS for CS for SB 554—A bill to be entitled An act relating to the interdistrict transfer and use of water; amending s. 373.2295, F.S.; redefining the term “interdistrict transfer and use”; validating and providing continued effect of agreements between water management districts which were entered into before the effective date of the act; providing an effective date.

—was read the second time by title.

Senator Constantine moved the following amendment:

Amendment 1 (983790)—On page 1, line 21, following the semicolon (;) insert: *In case of withdrawal of groundwater from a point within one water management district for use outside the boundaries of that district but within the same county, the provisions of subsections (4), (11), and (13) shall apply, and the district considering a permit application for such a consumptive use shall apply the applicable provisions of this chapter, and its rules, to the withdrawal and use.*

Senator Constantine moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (394562)—On page 1, line 14, delete “semicolon” and insert: period

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for SB 554** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 2348** was deferred.

On motion by Senator Garcia, the Senate resumed consideration of—

HB 691—A bill to be entitled An act relating to economic development incentive programs; amending s. 220.191, F.S.; including certain financial services facilities as a qualified project for purposes of the capital investment tax credit; providing for future repeal; amending s. 288.1045, F.S.; revising a definition; amending s. 288.106, F.S.; revising a definition of target industry business to include defense and homeland security businesses; extending a deadline for application for a prorated tax refund under an economic stimulus exemption; amending s. 288.1088, F.S.; deleting a function of the Executive Office of the Governor relating to project approval recommendations and release of certain funds; authorizing the Governor to reallocate unencumbered funds in the Quick Action Closing Fund to supplement certain economic development programs and operations in emergency or special circumstances; providing for reallocation approval and fund release recommendations by the Executive Office of the Governor; providing an effective date.

—which was previously considered this day with pending **Amendment 1A (151548)** by Senator Klein and **Amendment 1 (405396)** by Senator Garcia. **Amendment 1A (151548)** was adopted.

Senator Lee offered the following amendment to **Amendment 1** which was moved by Senator Garcia and adopted:

Amendment 1B (113050)—On page 13, lines 14-21, delete those lines and insert:

Section 6. *The sum of \$2,859,200 is appropriated from the Welfare Transition Trust Fund to the Agency for Workforce Innovation for implementing the Passport to Economic Progress demonstration program during the 2003–2004 fiscal year.*

MOTION

On motion by Senator Constantine, the rules were waived to allow the following amendment to be considered:

Senator Constantine moved the following amendment to **Amendment 1** which was adopted:

Amendment 1C (072708)(with title amendment)—On page 13, between lines 13 and 14, insert:

Section 6. Subsections (3) and (8) of section 376.86, Florida Statutes, are amended to read:

376.86 Brownfield Areas Loan Guarantee Program.—

(3) The council may enter into an investment agreement with the Department of Environmental Protection and the State Board of Administration concerning the investment of the earnings accrued and collected upon the investment of the balance of funds maintained in the

Nonmandatory Land Reclamation Trust Fund. The investment must be limited as follows:

(a) Not more than \$1.5 \$5 million of the investment earnings earned on the investment of the minimum balance of the Nonmandatory Land Reclamation Trust Fund in a fiscal year may be at risk at any time on loan guarantees or as loan loss reserves. Of that amount, 15 percent shall be reserved for investment agreements involving predominantly minority-owned businesses which meet the requirements of subsection (4).

(b) *Such funds at risk at any time* The investment earnings may not be used to guarantee any loan guaranty or loan loss reserve agreement for a period longer than 5 years.

(8) The council shall provide an annual report to the Legislature by February 1 of each year describing its activities and agreements approved relating to redevelopment of brownfield areas. *The provisions of this section pledging portions of the Nonmandatory Land Reclamation Trust Fund as a contingency on loan guarantees made pursuant to this section shall be reviewed by the Legislature by January 1, 2006, to determine the ability of that trust fund to continue serving as a contingency fund on loan guarantees. New loan guarantees may not be approved in 2006 until the review by the Legislature has been completed and a determination made as to an appropriate trust fund to serve as a contingency fund on loan guarantees.* This section shall be reviewed by the Legislature by January 1, 2006 ~~October 1, 2003~~, and a determination made related to the need to continue or modify this section. New loan guarantees may not be approved in 2006 2003 until the review by the Legislature has been completed and a determination has been made as to the feasibility of continuing the use of the Nonmandatory Land Reclamation Trust Fund to guarantee portions of loans under this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 14, line 20, after the semicolon (;) insert: amending s. 376.86, F.S.; revising certain restrictions on investing funds maintained in the Nonmandatory Land Reclamation Trust Fund; providing for a schedule for legislative review of the Brownfield Areas Loan Guarantee Program;

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **HB 691** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

CS for CS for SB 1756—A bill to be entitled An act relating to economic development; amending s. 288.125, F.S.; expanding applicability of the definition of the term “entertainment industry”; creating s. 288.1254, F.S.; creating a program under which certain persons producing, or providing services for the production of, filmed entertainment are eligible for state financial incentives for activities in or relocated to this state; prescribing powers and duties of the Office of Tourism, Trade, and Economic Development and the Office of Film and Entertainment with respect to the program; defining terms; providing an application procedure and approval process; prescribing limits on reimbursement; requiring documentation for requested reimbursement; providing for policies and procedures; providing penalties for fraudulent claims for reimbursement; requiring a report; providing that funding is subject to appropriation; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1756** was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

CS for SB 1758—A bill to be entitled An act relating to trust funds; creating the Entertainment Industry Financial Incentive Trust Fund; providing for sources of funds and purposes; providing for future review and termination or re-creation of the fund; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1758** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano, the Senate resumed consideration of—

CS for SB 2366—A bill to be entitled An act relating to aggravated child abuse; amending s. 827.03, F.S.; defining the term “maliciously” for purposes of the offense of aggravated child abuse; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (084842)** by Senator Fasano was withdrawn.

Pursuant to Rule 4.19, **CS for SB 2366** was placed on the calendar of Bills on Third Reading.

On motion by Senator Pruitt—

CS for SB 2348—A bill to be entitled An act relating to the Governor’s Council for a Fit Florida; amending s. 288.1229, F.S.; providing for creation and placement of council; providing for powers and duties, membership and terms thereof; providing for reimbursement for per diem and travel expenses for members of the council; providing an effective date.

—was read the second time by title.

Senator Pruitt moved the following amendments which were adopted:

Amendment 1 (373924)(with title amendment)—On page 1, lines 18-20, delete those lines and insert:

(10)(a) There is hereby created the Advisory Council for a Fit Florida for the purpose of serving as an advisory body to the Governor, the Legislature and

And the title is amended as follows:

On page 1, lines 2 and 3, delete those lines and insert: An act relating to the Advisory Council for a Fit Florida; amending s. 288.1229, F.S.;

Amendment 2 (233014)—On page 3, lines 3-7, delete those lines and insert:

8. *Make recommendations to the direct-support organization for the use of funds received specifically for the purpose of promoting physical fitness and nutrition.*

9. *Provide an annual report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Office of Tourism, Trade, and Economic Development, and the direct-support organization which includes recommendations for the furtherance of the physical fitness of the people of this state.*

Pursuant to Rule 4.19, **CS for SB 2348** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Lynn—

CS for SB 2210—A bill to be entitled An act relating to substance abuse treatment and intervention; amending s. 39.001, F.S.; providing additional legislative findings and purposes with respect to the treatment of substance abuse; specifying that treatment may be required following adjudication; amending ss. 39.402 and 39.407, F.S.; authorizing the court to order specified persons to submit to a substance abuse assessment upon a showing of good cause in connection with a shelter hearing or petition for dependency; authorizing sanctions for noncompliance; amending ss. 39.507 and 39.521, F.S.; authorizing the court to order specified persons to submit to a substance abuse assessment as part of an adjudicatory order or pursuant to a disposition hearing; requiring a showing of good cause; authorizing the court to require participation in a treatment-based drug court program; authorizing the court to impose sanctions for noncompliance; amending s. 39.701, F.S.; authorizing the court to extend the time for completing a case plan during

judicial review, based upon participation in a treatment-based drug court program; amending s. 397.334, F.S.; revising legislative intent with respect to treatment-based drug court programs to reflect participation by community support agencies, the Department of Education, and other individuals; including post adjudicatory programs as part of treatment-based drug court programs; requiring each judicial circuit to establish a position for a coordinator of the treatment-based drug court program; requiring the chief judge of each judicial circuit to appoint an advisory committee for the treatment-based drug court program; providing for membership of the committee; revising provisions with respect to an annual report; amending s. 910.035, F.S.; revising provisions with respect to conditions for the transfer of a case in the drug court treatment program to a county other than that in which the charge arose; amending s. 948.08, F.S.; revising eligibility requirements for participation in pretrial intervention programs; authorizing the court to refer certain defendants who are assessed with a substance abuse problem to a pretrial intervention program with the approval of the state attorney; deleting provisions authorizing advisory committees for the district pretrial intervention programs; amending s. 985.306, F.S.; revising eligibility requirements for participation in delinquency pretrial intervention programs; authorizing the court to refer certain juveniles who are assessed as having a substance abuse problem to a substance abuse education and treatment intervention program; deleting provisions authorizing advisory committees for the district delinquency pretrial intervention program; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2210** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

SB 1118—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Hospice license plate; providing for the distribution of annual use fees received from the sale of such plates; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 1118** to **HB 1501**.

Pending further consideration of **SB 1118** as amended, on motion by Senator Campbell, by two-thirds vote **HB 1501** was withdrawn from the Committee on Transportation.

On motion by Senator Campbell—

HB 1501—A bill to be entitled An act relating to license plates; amending ss. 320.08056 and 320.08058, F.S.; creating a Hospice license plate; providing for the distribution of annual use fees received from the sale of such plates; providing an effective date.

—a companion measure, was substituted for **SB 1118** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1501** was placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

CS for SB 924—A bill to be entitled An act relating to trust funds; terminating specified trust funds within the Department of Management Services, the Department of Revenue, and the Department of Environmental Protection; providing for the disposition of balances in and revenues of such trust funds; declaring the findings of the Legislature that specified trust funds within the Department of Environmental Protection, the Department of Management Services, and the Department of Revenue are exempt from the termination requirements of s. 19(f), Art. III of the State Constitution; repealing ss. 122.351 and 650.06, F.S., relating to funding by local agencies and the Social Security Contribution Trust Fund; amending ss. 121.011, 121.031, 121.141, 122.26, 122.27, 122.30, 122.35, 650.04, and 650.05, F.S., to conform; providing for payment of certain social security contributions to the Internal Revenue Service rather than the Social Security Contribution Trust Fund;

amending s. 607.1901, F.S., relating to the Corporate Tax Administration Trust Fund; to conform; providing for the additional transfers into the General Revenue Fund; amending ss. 253.03 and 895.09, F.S.; repealing the Forfeited Property Trust Fund in the Department of Environmental Protection; amending s. 932.7055, F.S.; to conform; repealing s. 20.2553, F.S.; repealing the Federal Law Enforcement Trust Fund in the Department of Environmental Protection; repealing s. 110.151(7), F.S., relating to the State Employee Child Care Revolving Trust Fund; repealing s. 213.31, F.S.; terminating the Corporation Tax Administration Trust Fund; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 924** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

CS for SB 1248—A bill to be entitled An act relating to real property reform; requiring the Office of Program Policy Analysis and Government Accountability to review and evaluate changes to the laws affecting land sales, exemptions, and mandatory homeowners' associations and disclosure laws related to adult and residential subdivisions; requiring the Office of Program Policy Analysis and Government Accountability to consult with the Department of Business and Professional Regulation, homeowners and homeowners' associations, and developers and to hold hearings; requiring a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding its evaluation of the need for change to laws that protect the interests of consumers and property owners; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1248** was placed on the calendar of Bills on Third Reading.

On motion by Senator Argenziano—

CS for CS for SB 1660—A bill to be entitled An act relating to the use of farm lands; creating s. 163.3162, F.S.; providing a short title; providing legislative findings and purpose with respect to agricultural activities and duplicative regulation; defining the terms "farm," "farm operation," and "farm product" for purposes of the act; prohibiting a county from adopting any ordinance, resolution, regulation, rule, or policy to prohibit or otherwise limit a bona fide farm operation on land that is classified as agricultural land under s. 193.461, F.S.; providing that the act does not limit the powers of a county under certain circumstances; clarifying that a farm operation may not expand its operations under certain circumstances; providing that the act does not limit the powers of certain counties; providing that certain county ordinances are not deemed to be a duplication of regulation; providing an effective date.

—was read the second time by title.

Senator Argenziano moved the following amendments which were adopted:

Amendment 1 (811148)—on page 2, line 24, after "on" insert: *land that is an integral part of a farm operation or*

Amendment 2 (900632)—On page 3, line 17, after "business" insert: *on March 15, 1982*

Senator Miller moved the following amendment which failed:

Amendment 3 (082832)—On page 4, delete line 1 and insert:

(d) *This subsection does not limit the powers of a county which has a pollution control program, established by a special act of the Legislature, that is an approved program under s. 403.182, to enact ordinances, regulations, or other measures necessary to carrying out the county's duties pursuant to the terms and conditions of that program.*

(e) *For purposes of this subsection, a county*

Senator Fasano moved the following amendment which was adopted:

Amendment 4 (122470)(with title amendment)—On page 4, between lines 5 and 6, insert:

Section 2. Paragraphs (a) and (e) of subsection (3) of section 193.461, Florida Statutes, are amended to read:

193.461 Agricultural lands; classification and assessment; mandated eradication or quarantine program.—

(3)(a) No lands shall be classified as agricultural lands unless a return is filed on or before March 1 of each year. The property appraiser, before so classifying such lands, may require the taxpayer or the taxpayer's representative to furnish the property appraiser such information as may reasonably be required to establish that such lands were actually used for a bona fide agricultural purpose. Failure to make timely application by March 1 shall constitute a waiver for 1 year of the privilege herein granted for agricultural assessment. However, an applicant who is qualified to receive an agricultural classification who fails to file an application by March 1 may file an application for the classification and may file, pursuant to s. 194.011(3), a petition with the value adjustment board requesting that the classification be granted. The petition may be filed at any time during the taxable year on or before the 25th day following the mailing of the notice by the property appraiser as provided in s. 194.011(1). Notwithstanding the provisions of s. 194.013, the applicant must pay a nonrefundable fee of \$15 upon filing the petition. Upon reviewing the petition, if the person is qualified to receive the classification and demonstrates particular extenuating circumstances judged by the property appraiser or the value adjustment board to warrant granting the classification, the property appraiser or the value adjustment board may grant the classification. The owner of land that was classified agricultural in the previous year and whose ownership or use has not changed may reapply on a short form as provided by the department. The lessee of property may make original application or reapply using the short form if the lease, or an affidavit executed by the owner, provides that the lessee is empowered to make application for the agricultural classification on behalf of the owner and a copy of the lease or affidavit accompanies the application. A county may, at the request of the property appraiser and by a majority vote of its governing body, waive the requirement that an annual application or statement be made for classification of property within the county after an initial application is made and the classification granted by the property appraiser. *Such waiver may be revoked by a majority vote of the governing body of the county.*

(e) Notwithstanding the provisions of paragraph (a), land that has received an agricultural classification from the property appraiser, the value adjustment board, or a court of competent jurisdiction pursuant to this section is entitled to receive such classification in any subsequent year until such agricultural use of the land is abandoned or discontinued, the land is diverted to a nonagricultural use, or the land is reclassified as nonagricultural pursuant to subsection (4). The property appraiser must, no later than January 31 of each year, provide notice to the owner of land that was classified agricultural in the previous year informing the owner of the requirements of this paragraph and requiring the owner to certify that neither the ownership nor the use of the land has changed. The department shall, by administrative rule, prescribe the form of the notice to be used by the property appraiser under this paragraph. *If a county has waived the requirement that an annual application or statement be made for classification of property pursuant to paragraph (a), the county may, by a majority vote of its governing body, waive the notice and certification requirements of this paragraph and shall provide the property owner with the same notification provided to owners of land granted an agricultural classification by the property appraiser. Such waiver may be revoked by a majority vote of the county's governing body. However, This paragraph does not apply to any property if the agricultural classification of that property is the subject of current litigation.*

Section 3. (1) *For purposes of granting an agricultural classification for January 1, 2003, the term "extenuating circumstances," as used in section 193.461(3)(a), Florida Statutes, includes the failure of a property owner in a county that waived the annual application process to return the agricultural classification form or card, which return was required by operation of section 193.461(3)(e), Florida Statutes, as created by chapter 2002-18, Laws of Florida.*

(2) *Any waiver of the annual application granted under section 193.461(3)(a), Florida Statutes, which is in effect on December 31, 2002,*

shall remain in full force and effect until subsequently revoked as provided by section 193.461(3)(a), Florida Statutes.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 20, after the semicolon (;) insert: amending s. 193.461, F.S.; authorizing the governing body of a county to revoke the waiver of annual property classification; revising the date by which the property appraiser must provide notice to property owners; providing for waiver and revocation of the waiver of the notice and certification requirement for land classification; defining the term “extenuating circumstances” to include failure to return the agricultural classification form under certain circumstances; providing for effect of waiver of annual application requirements;

MOTION

On motion by Senator Bennett, the rules were waived to allow the following amendment to be considered:

Senator Bennett moved the following amendment which was adopted:

Amendment 5 (103740)(with title amendment)—On page 4, between 5 and 6, insert:

Section 2. Subsection (13) is added to section 163.3167, Florida Statutes, to read:

163.3167 Scope of act.—

(13)(a) *If a local government grants a quasi-judicial development order pursuant to its adopted land development regulations and the order is not the subject of a pending appeal, the right to commence and complete development pursuant to the order may not be abrogated by a subsequent judicial determination that such land development regulations, or any portion thereof, are invalid because of a deficiency in the approval standards.*

(b) *This subsection does not preclude or affect the timely institution of common law writ of certiorari proceedings, pursuant to Rule 9.190, Florida Rules of Appellate Procedure, or original proceedings pursuant to s. 163.3215.*

(c) *This subsection applies retroactively to any order issued on or after January 1, 2002.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 20, after the semicolon (;) insert: amending s. 163.3167, F.S.; prohibiting subsequent abrogations of certain quasi-judicial development orders; providing for retroactive application;

MOTION

On motion by Senator Pruitt, the rules were waived to allow the following amendment to be considered:

Senators Pruitt and Campbell offered the following amendment which was moved by Senator Pruitt and adopted:

Amendment 6 (630208)(with title amendment)—On page 4, delete line 6 and insert:

Section 2. Effective upon this act becoming a law, paragraph (c) of subsection (1) of section 163.3174, Florida Statutes, is created to read:

163.3174 Local planning agency.—

(1)

(c) *The Legislature recognizes that many larger municipalities within charter counties have the technical planning staff to effectively implement and enforce a comprehensive plan and develop and achieve a community vision within their boundaries. Notwithstanding paragraph (b) or any other provision of law to the contrary, each municipality with a population greater than 10,000, located in a charter county, not operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of*

the Constitution of 1885, as preserved by s. 6(e), Art. VIII of the Constitution of 1968 with a population greater than 1,500,000 and more than 25 municipalities, shall have exclusive planning authority, including, but not limited to, development order approval and zoning and comprehensive planning for the area under its municipal jurisdiction. However, a municipality located in such a county may delegate planning authority for the area under its municipal jurisdiction to the county if the governing body of the municipality adopts a resolution approving the delegation to the county. A charter county, as described in this paragraph, may provide written comments on a proposed land use change within a municipality's jurisdiction and provide planning assistance if requested by the municipality.

Section 3. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 4. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2003, and this section shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, lines 2-21, delete those lines and insert: An act relating to community development and planning; creating s. 163.3162, F.S.; providing a short title; providing legislative findings and purpose with respect to agricultural activities and duplicative regulation; defining the terms “farm,” “farm operation,” and “farm product” for purposes of the act; prohibiting a county from adopting any ordinance, resolution, regulation, rule, or policy to prohibit or otherwise limit a bona fide farm operation on land that is classified as agricultural land under s. 193.461, F.S.; providing that the act does not limit the powers of a county under certain circumstances; clarifying that a farm operation may not expand its operations under certain circumstances; providing that the act does not limit the powers of certain counties; providing that certain county ordinances are not deemed to be a duplication of regulation; amending s. 163.3174, F.S.; providing local planning authority for certain municipalities in certain charter counties; providing severability; providing effective dates.

MOTION

On motion by Senator Argenziano, the rules were waived to allow the following amendment to be considered:

Senator Argenziano moved the following amendment which was adopted:

Amendment 7 (102750)—On page 2, delete line 24 and insert: *limit an activity of a bona fide farm operation on*

Pursuant to Rule 4.19, CS for CS for SB 1660 as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

CS for CS for SB 2238—A bill to be entitled An act relating to real estate appraisers; amending s. 475.611, F.S.; revising and providing definitions applicable to regulation of real estate appraisers; providing that licenses for the category of licensed appraiser shall not be issued after a specified date; redesignating registered assistant appraisers as registered trainee appraisers; amending s. 475.612, F.S.; conforming terminology; authorizing real estate brokers, broker-salespersons, and salespersons to provide valuation services without being regulated as appraisers; authorizing brokers and salespersons to give price opinions without being regulated as appraisers; removing authorization for graduate students in appraising to be supervised by licensed brokers; amending s. 475.613, F.S.; granting the Florida Real Estate Appraisal Board power by rule to establish standards for and regulate supervisory appraisers; removing obsolete language; amending s. 475.6147, F.S.; clarifying applicability of fee provisions to certification and registration; amending s. 475.617, F.S.; clarifying experience requirements for certification of residential and general appraisers; conforming terminology; creating s. 475.6175, F.S.; requiring postlicensure education for registered trainee appraisers to maintain registration; requiring completion

of such education prior to the second renewal following initial registration; requiring requalification for subsequent registration as a trainee appraiser; authorizing a physical hardship extension; amending s. 475.618, F.S.; revising continuing education requirements to authorize and provide for certification of distance learning courses by independent certification organizations; conforming terminology; amending s. 475.6221, F.S.; requiring a registered trainee appraiser to perform appraisal services under the direct supervision of a licensed or certified appraiser; providing that a registered trainee appraiser may only receive compensation through or from the primary supervisory appraiser; creating s. 475.6222, F.S.; providing requirements for supervision of registered trainee appraisers; amending s. 475.6295, F.S.; clarifying authority to inspect appraisers and appraisal offices; creating s. 475.631, F.S.; providing for reciprocity for nonresident appraisers; requiring an irrevocable consent to suits and actions and providing for service of process or pleading; requiring resident appraisers who become nonresidents to notify the board and comply with nonresident requirements; providing penalties; authorizing the board to adopt rules for regulation of nonresident appraisers; amending ss. 475.01, 475.011, 475.615, 475.619, 475.620, 475.622, 475.624, 475.626, and 475.627, F.S.; conforming terminology; providing an effective date.

—was read the second time by title.

Senator Posey moved the following amendment which was adopted:

Amendment 1 (651556)(with title amendment)—On page 28, between lines 7 and 8, insert:

Section 21. Section 475.001, Florida Statutes, is amended to read:

475.001 Purpose.—The Legislature deems it necessary in the interest of the public welfare to regulate real estate brokers, *sales associates salespersons*, and schools in this state.

Section 22. Section 475.01, Florida Statutes, is amended to read:

475.01 Definitions.—

(1) As used in this part:

(a) “Broker” means a person who, for another, and for a compensation or valuable consideration directly or indirectly paid or promised, expressly or impliedly, or with an intent to collect or receive a compensation or valuable consideration therefor, appraises, auctions, sells, exchanges, buys, rents, or offers, attempts or agrees to appraise, auction, or negotiate the sale, exchange, purchase, or rental of business enterprises or business opportunities or any real property or any interest in or concerning the same, including mineral rights or leases, or who advertises or holds out to the public by any oral or printed solicitation or representation that she or he is engaged in the business of appraising, auctioning, buying, selling, exchanging, leasing, or renting business enterprises or business opportunities or real property of others or interests therein, including mineral rights, or who takes any part in the procuring of sellers, purchasers, lessors, or lessees of business enterprises or business opportunities or the real property of another, or leases, or interest therein, including mineral rights, or who directs or assists in the procuring of prospects or in the negotiation or closing of any transaction which does, or is calculated to, result in a sale, exchange, or leasing thereof, and who receives, expects, or is promised any compensation or valuable consideration, directly or indirectly therefor; and all persons who advertise rental property information or lists. A broker renders a professional service and is a professional within the meaning of s. 95.11(4)(a). Where the term “appraise” or “appraising” appears in the definition of the term “broker,” it specifically excludes those appraisal services which must be performed only by a state-licensed or state-certified appraiser, and those appraisal services which may be performed by a registered assistant appraiser as defined in part II. The term “broker” also includes any person who is a general partner, officer, or director of a partnership or corporation which acts as a broker. The term “broker” also includes any person or entity who undertakes to list or sell one or more timeshare periods per year in one or more timeshare plans on behalf of any number of persons, except as provided in ss. 475.011 and 721.20.

(b) “Broker associate ~~Broker-salesperson~~” means a person who is qualified to be issued a license as a broker but who operates as a *sales associate salesperson* in the employ of another.

(c) “Commission” means the Florida Real Estate Commission.

(d) “Customer” means a member of the public who is or may be a buyer or seller of real property and may or may not be represented by a real estate licensee in an authorized brokerage relationship.

(e) “Department” means the Department of Business and Professional Regulation.

(f) “Fiduciary” means a broker in a relationship of trust and confidence between that broker as agent and the seller or buyer as principal. The duties of the broker as a fiduciary are loyalty, confidentiality, obedience, full disclosure, and accounting and the duty to use skill, care, and diligence.

(g) “Involuntarily inactive status” means the licensure status that results when a license is not renewed at the end of the license period prescribed by the department.

(h) “Principal” means the party with whom a real estate licensee has entered into a single agent relationship.

(i) “Real property” or “real estate” means any interest or estate in land and any interest in business enterprises or business opportunities, including any assignment, leasehold, subleasehold, or mineral right; however, the term does not include any cemetery lot or right of burial in any cemetery; nor does the term include the renting of a mobile home lot or recreational vehicle lot in a mobile home park or travel park.

(j) “*Sales associate Salesperson*” means a person who performs any act specified in the definition of “broker,” but who performs such act under the direction, control, or management of another person. A salesperson renders a professional service and is a professional within the meaning of s. 95.11(4)(a).

(k) “Single agent” means a broker who represents, as a fiduciary, either the buyer or seller but not both in the same transaction.

(l) “Transaction broker” means a broker who provides limited representation to a buyer, a seller, or both, in a real estate transaction, but does not represent either in a fiduciary capacity or as a single agent. *In a transaction broker relationship, a buyer or seller is not responsible for the acts of a licensee. Additionally, the parties to a real estate transaction are giving up their rights to the undivided loyalty of a licensee. This aspect of limited representation allows a licensee to facilitate a real estate transaction by assisting both the buyer and the seller, but a licensee will not work to represent one party to the detriment of the other party when acting as a transaction broker to both parties.*

(m) “Voluntarily inactive status” means the licensure status that results when a licensee has applied to the department to be placed on inactive status and has paid the fee prescribed by rule.

(2) The terms “employ,” “employment,” “employer,” and “employee,” when used in this chapter and in rules adopted pursuant thereto to describe the relationship between a broker and a *sales associate salesperson*, include an independent contractor relationship when such relationship is intended by and established between a broker and a *sales associate salesperson*. The existence of such relationship shall not relieve either the broker or the *sales associate salesperson* of her or his duties, obligations, or responsibilities under this chapter.

(3) Wherever the word “operate” or “operating” as a broker, *broker associate broker-salesperson*, or *sales associate salesperson* appears in this chapter; in any order, rule, or regulation of the commission; in any pleading, indictment, or information under this chapter; in any court action or proceeding; or in any order or judgment of a court, it shall be deemed to mean the commission of one or more acts described in this chapter as constituting or defining a broker, *broker associate broker-salesperson*, or *sales associate salesperson*, not including, however, any of the exceptions stated therein. A single such act is sufficient to bring a person within the meaning of this chapter, and each act, if prohibited herein, constitutes a separate offense.

(4) A broker acting as a trustee of a trust created under chapter 689 is subject to the provisions of this chapter unless the trustee is a bank, state or federal association, or trust company possessing trust powers as defined in s. 658.12(23).

Section 23. Section 475.011, Florida Statutes, is amended to read:

475.011 Exemptions.—This part does not apply to:

(1) Any person acting as an attorney in fact for the purpose of the execution of contracts or conveyances only; as an attorney at law within the scope of her or his duties as such; as a certified public accountant, as defined in chapter 473, within the scope of her or his duties as such; as the personal representative, receiver, trustee, or master under, or by virtue of, an appointment by will or by order of a court of competent jurisdiction; or as trustee under a deed of trust, or under a trust agreement, the ultimate purpose and intent whereof is charitable, is philanthropic, or provides for those having a natural right to the bounty of the donor or trustor.;

(2) Any individual, corporation, partnership, trust, joint venture, or other entity which sells, exchanges, or leases its own real property; however, this exemption shall not be available if and to the extent that an agent, employee, or independent contractor paid a commission or other compensation strictly on a transactional basis is employed to make sales, exchanges, or leases to or with customers in the ordinary course of an owner's business of selling, exchanging, or leasing real property to the public.;

(3) Any employee of a public utility, a rural electric cooperative, a railroad, or a state or local governmental agency who acts within the scope of her or his employment, for which no compensation in addition to the employee's salary is paid, to buy, sell, appraise, exchange, rent, auction, or lease any real property or any interest in real property for the use of her or his employer.;

(4) Any salaried employee of an owner, or of a registered broker for an owner, of an apartment community who works in an onsite rental office of the apartment community in a leasing capacity.;

(5) Any person employed for a salary as a manager of a condominium or cooperative apartment complex as a result of any activities or duties which the person may have in relation to the renting of individual units within such condominium or cooperative apartment complex if rentals arranged by the person are for periods no greater than 1 year.;

(6) Any person, partnership, corporation, or other legal entity which, for another and for compensation or other valuable consideration, sells, offers to sell, advertises for sale, buys, offers to buy, or negotiates the sale or purchase of radio, television, or cable enterprises licensed and regulated by the Federal Communications Commission pursuant to the Communications Act of 1934. However, if the sale or purchase of the radio, television, or cable enterprise involves the sale or lease of land, buildings, fixtures, and all other improvements to the land, a broker or ~~sales associate salesperson~~ licensed under this chapter shall be retained for the portion of the transaction which includes the land, buildings, fixtures, and all other improvements to the land.;

(7) Any full-time graduate student who is enrolled in a commission-approved degree program in appraising at a college or university in this state, if the student is acting under the direct supervision of a licensed broker or a licensed or certified appraiser and is engaged only in appraisal activities related to the approved degree program. Any appraisal report by the student must be issued in the name of the supervising individual.

(8)(a) An owner of one or part of one or more timeshare periods for the owner's own use and occupancy who later offers one or more of such periods for resale.

(b) An exchange company, as that term is defined by s. 721.05(14), but only to the extent that the exchange company is engaged in exchange program activities as described in and is in compliance with s. 721.18.

(9) Any person registered, licensed, or certified by the department under part II as an appraiser or assistant appraiser performing appraisals in accordance with that part.

(10) Any person who appraises under the unit-rule method of valuation a railroad or railroad terminal company assessed for ad valorem tax purposes pursuant to s. 193.085.

(11) Any person, partnership, corporation, or other legal entity which, for another and for compensation or other valuable consideration,

rents or advertises for rent, for transient occupancy, any public lodging establishment licensed under chapter 509.

(12) Any dealer registered under the Securities and Exchange Act of 1934, as amended, or any federally insured depository institution and any parent, subsidiary, or affiliate thereof, in connection with the sale, exchange, purchase, or rental of a business enterprise to or by a person who is an accredited investor as defined by 15 U.S.C. s. 77b, the Securities Act of 1933, or any regulation adopted thereunder. This exemption applies whether stock or assets of the business enterprise are purchased or sold. The exemption does not apply to a sale, exchange, purchase, or rental of land, buildings, fixtures or other improvements to the land which is not made in connection with the sale, exchange, purchase, or rental of a business enterprise. Any reference to rental in this subsection includes a lease transaction.

(13) Any property management firm or any owner of an apartment complex for the act of paying a finder's fee or referral fee to an unlicensed person who is a tenant in such apartment complex provided the value of the fee does not exceed \$50 per transaction. Nothing in this subsection authorizes an unlicensed person to advertise or otherwise promote the person's services in procuring or assisting in procuring prospective lessees or tenants of apartment units. For purposes of this subsection, "finder's fee" or "referral fee" means a fee paid, credit towards rent, or some other thing of value provided to a person for introducing or arranging an introduction between parties to a transaction involving the rental or lease of an apartment unit. It is a violation of s. 475.25(1)(h) and punishable under s. 475.42 for a property management firm or any owner of an apartment complex to pay a finder's fee or a referral fee to an unlicensed person unless expressly authorized by this subsection.

Section 24. Subsection (1) of section 475.02, Florida Statutes, is amended to read:

475.02 Florida Real Estate Commission.—

(1) There is created within the department the Florida Real Estate Commission. The commission shall consist of seven members who shall be appointed by the Governor, subject to confirmation by the Senate. Four members must be licensed brokers, each of whom has held an active license for the 5 years preceding appointment; one member must be a licensed broker or a licensed ~~sales associate salesperson~~ who has held an active license for the 2 years preceding appointment; and two members must be persons who are not, and have never been, brokers or ~~sales associates salespersons~~. At least one member of the commission must be 60 years of age or older. The current members may complete their present terms unless removed for cause.

Section 25. Section 475.04, Florida Statutes, is amended to read:

475.04 Duty of commission to educate members of profession.—

(1) The commission shall foster the education of brokers, ~~broker associates broker salespersons~~, ~~sales associates salespersons~~, and instructors concerning the ethical, legal, and business principles which should govern their conduct.

(2) For the purpose of performing its duty under subsection (1) to educate persons holding a license or permit, the commission may conduct, offer, sponsor, prescribe, or approve real estate educational courses for all persons licensed or permitted by the department as brokers, ~~broker associates broker salespersons~~, ~~sales associates salespersons~~, or instructors; and the cost and expense of such courses shall be paid as provided in s. 475.125.

(3) The commission may also publish and sell, at a reasonable price intended to cover costs, a handbook on this chapter and other publications intended to be textbooks or guidelines for study and guidance of students, applicants, licensees, certificateholders, and permit holders, and members of the general public, copyright of which shall be the property of the state.

Section 26. Section 475.161, Florida Statutes, is created to read:

475.161 *Licensing of broker associates and sales associates.*—The commission shall license a broker associate or sales associate as an individual or, upon the licensee providing the commission with authorization from the Department of State, as a professional corporation or limited liability company. A license shall be issued in the licensee's legal name

only and, when appropriate, shall include the entity designation. This section shall not operate to permit a broker associate or sales associate to register or be licensed as a general partner, member, manager, officer, or director of a brokerage firm under s. 475.15.

Section 27. Section 475.17, Florida Statutes, is amended to read:

475.17 Qualifications for practice.—

(1)(a) An applicant for licensure who is a natural person must be at least 18 years of age; hold a high school diploma or its equivalent; be honest, truthful, trustworthy, and of good character; and have a good reputation for fair dealing. An applicant for an active broker's license or a sales associate's ~~salesperson's~~ license must be competent and qualified to make real estate transactions and conduct negotiations therefor with safety to investors and to those with whom the applicant may undertake a relationship of trust and confidence. If the applicant has been denied registration or a license or has been disbarred, or the applicant's registration or license to practice or conduct any regulated profession, business, or vocation has been revoked or suspended, by this or any other state, any nation, or any possession or district of the United States, or any court or lawful agency thereof, because of any conduct or practices which would have warranted a like result under this chapter, or if the applicant has been guilty of conduct or practices in this state or elsewhere which would have been grounds for revoking or suspending her or his license under this chapter had the applicant then been registered, the applicant shall be deemed not to be qualified unless, because of lapse of time and subsequent good conduct and reputation, or other reason deemed sufficient, it appears to the commission that the interest of the public and investors will not likely be endangered by the granting of registration. The commission may adopt rules requiring an applicant for licensure to provide written information to the commission regarding the applicant's good character.

(b) An application may be disapproved if the applicant has acted or attempted to act, or has held herself or himself out as entitled to act, during the period of 1 year next prior to the filing of the application, as a real estate broker or sales associate ~~salesperson~~ in the state in violation of this chapter. This paragraph may be deemed to bar any person from licensure who has performed any of the acts or services described in s. 475.01(3), unless exempt pursuant to s. 475.011, during a period of 1 year next preceding the filing of the application, or during the pendency of the application, and until a valid current license has been duly issued to the person, regardless of whether the performance of the act or service was done for compensation or valuable consideration.

(2)(a)1. In addition to other requirements under this part, the commission may require the satisfactory completion of one or more of the educational courses or equivalent courses conducted, offered, sponsored, prescribed, or approved pursuant to s. 475.04, taken at an accredited college, university, or community college, at an area technical center, or at a registered real estate school, as a condition precedent for any person to become licensed or to renew her or his license as a broker, ~~broker associate broker-salesperson~~, or sales associate ~~salesperson~~. The course or courses required for one to become initially licensed shall not exceed a total of 63 classroom hours of 50 minutes each, inclusive of examination, for a sales associate ~~salesperson~~ and 72 classroom hours of 50 minutes each, inclusive of examination, for a broker. The satisfactory completion of an examination administered by the accredited college, university, or community college, by the area technical center, or by the registered real estate school shall be the basis for determining satisfactory completion of the course. However, notice of satisfactory completion shall not be issued if the student has absences in excess of 8 classroom hours.

2. A distance learning course or courses shall be approved by the commission as an option to classroom hours as satisfactory completion of the course or courses as required by this section. The schools authorized by this section have the option of providing classroom courses, distance learning courses, or both. However, satisfactory completion of a distance learning course requires the satisfactory completion of a timed distance learning course examination. Such examination shall not be required to be monitored or given at a centralized location.

3. Such required course or courses must be made available by correspondence or other suitable means to any person who, by reason of hardship, as defined by rule, cannot attend the place or places where the course or courses are regularly conducted or does not have access to the distance learning course or courses.

(b) A person may not be licensed as a real estate broker unless, in addition to the other requirements of law, the person has held:

1. An active real estate sales associate's ~~salesperson's~~ license for at least 12 months during the preceding 5 years in the office of one or more real estate brokers licensed in this state or any other state, territory, or jurisdiction of the United States or in any foreign national jurisdiction;

2. A current and valid real estate sales associate's ~~salesperson's~~ license for at least 12 months during the preceding 5 years in the employ of a governmental agency for a salary and performing the duties authorized in this part for real estate licensees; or

3. A current and valid real estate broker's license for at least 12 months during the preceding 5 years in any other state, territory, or jurisdiction of the United States or in any foreign national jurisdiction.

This paragraph does not apply to a person employed as a real estate investigator by the Division of Real Estate, provided the person has been employed as a real estate investigator for at least 24 months. The person must be currently employed as a real estate investigator to sit for the real estate broker's examination and have held a valid and current sales associate's ~~salesperson's~~ license for at least 12 months.

(c) A person who has been licensed as a real estate sales associate ~~salesperson~~ in Florida during the preceding 5 years may not be licensed as a real estate broker unless, in addition to the other requirements of law, she or he has completed the sales associate ~~salesperson~~ postlicensure educational requirements, if these requirements have been prescribed by the commission pursuant to paragraph(3)(a).

(3)(a) The commission may prescribe a postlicensure education requirement in order for a person to maintain a valid sales associate's ~~salesperson's~~ license, which shall not exceed 45 classroom hours of 50 minutes each, inclusive of examination, prior to the first renewal following initial licensure. If prescribed, this shall consist of one or more commission-approved courses which total at least 45 classroom hours on one or more subjects which include, but are not limited to, property management, appraisal, real estate finance, ~~or the economics of real estate management, marketing, technology, sales and listing of properties, business office management, courses teaching practical real estate application skills, development of business plans, marketing of property, and time management.~~ Required postlicensure education courses must be provided by an accredited college, university, or community college, by an area technical center, by a registered real estate school, or by a commission-approved sponsor.

(b) Satisfactory completion of the postlicensure education requirement is demonstrated by successfully meeting all standards established for the commission-prescribed or commission-approved institution or school. However, notice of satisfactory completion shall not be issued if the student has absences in excess of 10 percent of the required classroom hours or has not satisfactorily completed a timed distance learning course examination.

(c) The license of any sales associate ~~salesperson~~ who does not complete the postlicensure education requirement prior to the first renewal following initial licensure shall be considered null and void. Such person wishing to again operate as a real estate sales associate ~~salesperson~~ must requalify by satisfactorily completing the sales associate's ~~salesperson's~~ prelicensure course and passing the state examination for licensure as a sales associate ~~salesperson~~.

(d) A sales associate ~~salesperson~~ who is required to complete any postlicensure education requirement must complete any postlicensure education requirement and hold a current and valid license in order to be eligible for licensure as a broker.

(4)(a) The commission may prescribe a postlicensure education requirement in order for a person to maintain a valid broker's license, which shall not exceed 60 classroom hours of 50 minutes each, inclusive of examination, prior to the first renewal following initial licensure. If prescribed, this shall consist of one or more commission-approved courses which total at least 60 classroom hours on one or more subjects which include, but are not limited to, advanced appraisal, advanced property management, real estate marketing, business law, advanced real estate investment analyses, advanced legal aspects, general accounting, real estate economics, syndications, commercial brokerage, feasibility analyses, advanced real estate finance, residential brokerage,

advanced marketing, technology, advanced business planning, time management, or real estate brokerage office operations. Required postlicensure education courses must be provided by an accredited college, university, or community college, by an area technical center, by a registered real estate school, or by a commission-approved sponsor.

(b) Satisfactory completion of the postlicensure education requirement is demonstrated by successfully meeting all standards established for the commission-prescribed or commission-approved institution or school. However, notice of satisfactory completion shall not be issued if the student has absences in excess of 10 percent of the required classroom hours or has not satisfactorily completed a timed distance learning course examination.

(c) The license of any broker who does not complete the postlicensure education requirement prior to the first renewal following initial licensure shall be considered null and void. If the licensee wishes to operate as a *sales associate salesperson*, she or he may be issued a *sales associate's salesperson's* license after providing proof that she or he has satisfactorily completed the 14-hour continuing education course within the 6 months following expiration of her or his broker's license. To operate as a broker, the licensee must requalify by satisfactorily completing the broker's prelicensure course and passing the state examination for licensure as a broker.

(5)(a) The commission may allow an additional 6-month period after the first renewal following initial licensure for completing the postlicensure education courses for *sales associates salespersons* and brokers who cannot, due to individual physical hardship, as defined by rule, complete the courses within the required time.

(b) Except as provided in subsection (4), *sales associates salespersons* and brokers are not required to meet the 14-hour continuing education requirement prior to the first renewal following initial licensure.

(c)1. A distance learning course or courses shall be approved by the commission as an option to classroom hours as satisfactory completion of the postlicensure education course or courses as required by this section. The schools or sponsors authorized by this section have the option of providing classroom courses, distance learning courses, or both. However, satisfactory completion of a distance learning postlicensure education course or courses requires the satisfactory completion of a timed distance learning course examination. Such examination shall not be required to be monitored or given at a centralized location.

2. The commission shall provide for postlicensure education courses to be made available by correspondence or other suitable means to any person who, by reason of hardship, as defined by rule, cannot attend the place or places where courses are regularly conducted or does not have access to the distance learning courses.

(6) The postlicensure education requirements of this section, and the education course requirements for one to become initially licensed, do not apply to any applicant or licensee who has received a 4-year degree in real estate from an accredited institution of higher education.

(7) *The commission may not approve prelicensure or postlicensure distance learning courses for brokers, broker associates, and sales associates by correspondence methods, except in instances of hardship pursuant to subparagraphs (2)(a)3. and (5)(c)2.*

Section 28. Section 475.175, Florida Statutes, is amended to read:

475.175 Examinations.—

(1) A person shall be entitled to take the license examination to practice in this state if the person:

(a) Submits to the department the appropriate notarized or *electronically authenticated* application and fee, ~~two photographs of herself or himself taken within the preceding year,~~ and a fingerprint card. The fingerprint card shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The fingerprint card shall also be forwarded to the Federal Bureau of Investigation for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The information obtained by the processing of the fingerprint card by the Florida Department of Law Enforcement and the Federal

Bureau of Investigation shall be sent to the department for the purpose of determining if the applicant is statutorily qualified for examination. *Effective July 1, 2006, an applicant shall provide fingerprints in electronic format.*

(b) Submits at the time of examination the certificate specified in subsection (2), the examination admissions *authorization letter* ~~card~~ *issued by the commission*, and proof of identification.

(2) Each accredited college, university, community college, or registered real estate school shall notify the commission of the names of all persons who have satisfactorily completed the educational requirements provided for in s. 475.17(2), (3), and (4) *in a manner prescribed by the commission*. Furthermore, each such educational institution shall provide to each person satisfactorily completing the educational requirements provided for in s. 475.17(2), (3), and (4) a certificate as proof of such satisfactory completion.

Section 29. Subsection (1) of section 475.181, Florida Statutes, is amended to read:

475.181 Licensure.—

(1) The department shall license any applicant whom the commission certifies, pursuant to subsection (2), to be qualified to practice as a broker or *sales associate salesperson*.

Section 30. Section 475.182, Florida Statutes, is amended to read:

475.182 Renewal of license; continuing education.—

(1) The department shall renew a license upon receipt of the renewal application and fee. The renewal application for an active license as broker, *broker associate broker-salesperson*, or *sales associate salesperson* shall include proof satisfactory to the commission that the licensee has, since the issuance or renewal of her or his current license, satisfactorily completed at least 14 classroom hours of 50 minutes each of a continuing education course during each biennium *of a license period*, as prescribed by the commission. *Approval or denial of a specialty course must be based on the extent to which the course content focuses on real estate issues relevant to the modern practice of real estate by a real estate licensee, including technology used in the real estate industry.* The commission may accept as a substitute for such continuing education course, on a classroom-hour-for-classroom-hour basis, any satisfactorily completed education course that the commission finds is adequate to educate licensees within the intent of this section, including an approved distance learning course. However, the commission may not require, for the purpose of satisfactorily completing an approved correspondence or distance learning course, a written examination that is to be taken at a centralized location and is to be monitored.

(2) The department shall adopt rules establishing a procedure for the renewal of licenses at least every 4 years.

(3) Any license *that which* is not renewed at the end of the license period prescribed by the department shall automatically revert to involuntarily inactive status. Such license may subsequently be renewed only if the licensee meets the other qualifications specified in s. 475.183.

(4) Sixty days *before* ~~prior to~~ the end of the license period and automatic reversion of a license to inactive status, the department shall mail a notice of renewal and possible reversion to the last known address of the licensee.

Section 31. Section 475.215, Florida Statutes, is amended to read:

475.215 Multiple licenses.—

(1) A licensed broker may be issued upon request additional licenses as a broker, but not as a *sales associate salesperson* or as a *broker associate broker-salesperson*, whenever it is clearly shown that the requested additional licenses are necessary to the conduct of real estate brokerage business and that the additional licenses will not be used in a manner likely to be prejudicial to any person, including a licensee under this chapter.

(2) A *sales associate salesperson* or *broker associate broker-salesperson* shall have no more than one registered employer at any one time.

Section 32. Subsection (1) of section 475.22, Florida Statutes, is amended to read:

475.22 Broker to maintain office and sign at entrance of office; registered office outside state; broker required to cooperate in investigation.—

(1) Each active broker shall maintain an office, which shall consist of at least one enclosed room in a building of stationary construction. Each active broker shall maintain a sign on or about the entrance of her or his principal office and each branch office, which sign may be easily observed and read by any person about to enter such office ~~and shall be of such form and minimum dimensions as shall be prescribed by the commission. Each sign must contain the name of the broker, together with the trade name, if any. For a partnership or corporation, the sign must contain the name of the firm or corporation or trade name of the firm or corporation, together with the name of at least one of the brokers. At a minimum, the words "licensed real estate broker" or "lic. real estate broker" must appear on the office entrance signs.~~

Section 33. Section 475.23, Florida Statutes, is amended to read:

475.23 License to expire on change of address.—A license shall cease to be in force whenever a broker changes her or his business address, a real estate school operating under a permit issued pursuant to s. 475.451 changes its business address, or a sales associate salesperson working for a broker or an instructor working for a real estate school changes employer. The licensee shall notify the commission of the change no later than 10 days after the change, on a form provided by the commission. *When a broker or a real estate school changes business address, the brokerage firm or school permitholder must file with the commission a notice of the change of address, along with the names of any sales associates or instructors who are no longer employed by the brokerage or school. Such notification shall also fulfill the change of address notification requirements for sales associates who remain employed by the brokerage and instructors who remain employed by the school.*

Section 34. Subsection (1) of section 475.25, Florida Statutes, is amended, and subsections (5) and (6) are added to that section, to read:

475.25 Discipline.—

(1) The commission may deny an application for licensure, registration, or permit, or renewal thereof; may place a licensee, registrant, or permittee on probation; may suspend a license, registration, or permit for a period not exceeding 10 years; may revoke a license, registration, or permit; may impose an administrative fine not to exceed \$1,000 for each count or separate offense; and may issue a reprimand, and any or all of the foregoing, if it finds that the licensee, registrant, permittee, or applicant:

(a) Has violated any provision of s. 455.227(1) or s. 475.42. However, licensees under this part are exempt from the provisions of s. 455.227(1)(i).

(b) Has been guilty of fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealing by trick, scheme, or device, culpable negligence, or breach of trust in any business transaction in this state or any other state, nation, or territory; has violated a duty imposed upon her or him by law or by the terms of a listing contract, written, oral, express, or implied, in a real estate transaction; has aided, assisted, or conspired with any other person engaged in any such misconduct and in furtherance thereof; or has formed an intent, design, or scheme to engage in any such misconduct and committed an overt act in furtherance of such intent, design, or scheme. It is immaterial to the guilt of the licensee that the victim or intended victim of the misconduct has sustained no damage or loss; that the damage or loss has been settled and paid after discovery of the misconduct; or that such victim or intended victim was a customer or a person in confidential relation with the licensee or was an identified member of the general public.

(c) Has advertised property or services in a manner which is fraudulent, false, deceptive, or misleading in form or content. The commission may adopt rules defining methods of advertising that violate this paragraph.

(d)1. Has failed to account or deliver to any person, including a licensee under this chapter, at the time which has been agreed upon or is required by law or, in the absence of a fixed time, upon demand of the

person entitled to such accounting and delivery, any personal property such as money, fund, deposit, check, draft, abstract of title, mortgage, conveyance, lease, or other document or thing of value, including a share of a real estate commission if a civil judgment relating to the practice of the licensee's profession has been obtained against the licensee and said judgment has not been satisfied in accordance with the terms of the judgment within a reasonable time, or any secret or illegal profit, or any divisible share or portion thereof, which has come into the licensee's hands and which is not the licensee's property or which the licensee is not in law or equity entitled to retain under the circumstances. However, if the licensee, in good faith, entertains doubt as to what person is entitled to the accounting and delivery of the escrowed property, or if conflicting demands have been made upon the licensee for the escrowed property, which property she or he still maintains in her or his escrow or trust account, the licensee shall promptly notify the commission of such doubts or conflicting demands and shall promptly:

a. Request that the commission issue an escrow disbursement order determining who is entitled to the escrowed property;

b. With the consent of all parties, submit the matter to arbitration;

c. By interpleader or otherwise, seek adjudication of the matter by a court; or

d. With the written consent of all parties, submit the matter to mediation. The department may conduct mediation or may contract with public or private entities for mediation services. However, the mediation process must be successfully completed within 90 days following the last demand or the licensee shall promptly employ one of the other escape procedures contained in this section. Payment for mediation will be as agreed to in writing by the parties. The department may adopt rules to implement this section.

If the licensee promptly employs one of the escape procedures contained herein, and if she or he abides by the order or judgment resulting therefrom, no administrative complaint may be filed against the licensee for failure to account for, deliver, or maintain the escrowed property. *Under certain circumstances, which the commission shall set forth by rule, a licensee may disburse property from the licensee's escrow account without notifying the commission or employing one of the procedures listed in sub-subparagraphs a.-d.* If the buyer of a residential condominium unit delivers to a licensee written notice of the buyer's intent to cancel the contract for sale and purchase, as authorized by s. 718.503, or if the buyer of real property in good faith fails to satisfy the terms in the financing clause of a contract for sale and purchase, the licensee may return the escrowed property to the purchaser without notifying the commission or initiating any of the procedures listed in sub-subparagraphs a.-d.

2. Has failed to deposit money in an escrow account when the licensee is the purchaser of real estate under a contract where the contract requires the purchaser to place deposit money in an escrow account to be applied to the purchase price if the sale is consummated.

(e) Has violated any of the provisions of this chapter or any lawful order or rule made or issued under the provisions of this chapter or chapter 455.

(f) Has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the activities of a licensed broker or sales associate salesperson, or involves moral turpitude or fraudulent or dishonest dealing. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the state shall be admissible as prima facie evidence of such guilt.

(g) Has had a broker's or sales associate's salesperson's license revoked, suspended, or otherwise acted against, or has had an application for such licensure denied, by the real estate licensing agency of another state, territory, or country.

(h) Has shared a commission with, or paid a fee or other compensation to, a person not properly licensed as a broker, broker associate broker-salesperson, or sales associate salesperson under the laws of this state, for the referral of real estate business, clients, prospects, or customers, or for any one or more of the services set forth in s. 475.01(1)(a). For the purposes of this section, it is immaterial that the person to whom such payment or compensation is given made the referral or performed

the service from within this state or elsewhere; however, a licensed broker of this state may pay a referral fee or share a real estate brokerage commission with a broker licensed or registered under the laws of a foreign state so long as the foreign broker does not violate any law of this state.

(i) Has become temporarily incapacitated from acting as a broker or sales associate salesperson with safety to investors or those in a fiduciary relation with her or him because of drunkenness, use of drugs, or temporary mental derangement; but suspension of a license in such a case shall be only for the period of such incapacity.

(j) Has rendered an opinion that the title to any property sold is good or merchantable, except when correctly based upon a current opinion of a licensed attorney at law, or has failed to advise a prospective purchaser to consult her or his attorney on the merchantability of the title or to obtain title insurance.

(k) Has failed, if a broker, to immediately place, upon receipt, any money, fund, deposit, check, or draft entrusted to her or him by any person dealing with her or him as a broker in escrow with a title company, banking institution, credit union, or savings and loan association located and doing business in this state, or to deposit such funds in a trust or escrow account maintained by her or him with some bank, credit union, or savings and loan association located and doing business in this state, wherein the funds shall be kept until disbursement thereof is properly authorized; or has failed, if a sales associate salesperson, to immediately place with her or his registered employer any money, fund, deposit, check, or draft entrusted to her or him by any person dealing with her or him as agent of the registered employer. The commission shall establish rules to provide for records to be maintained by the broker and the manner in which such deposits shall be made. *A broker may place and maintain up to \$5,000 of personal or brokerage funds in the broker's property management escrow account and up to \$1,000 of personal or brokerage funds in the broker's sales escrow account. A broker shall be provided a reasonable amount of time to correct escrow errors if there is no shortage of funds and such errors pose no significant threat to economically harm the public. It is the intent of the Legislature that, in the event of legal proceedings concerning a broker's escrow account, the disbursement of escrowed funds not be delayed due to any dispute over the personal or brokerage funds that may be present in the escrow account.*

(l) Has made or filed a report or record which the licensee knows to be false, has willfully failed to file a report or record required by state or federal law, has willfully impeded or obstructed such filing, or has induced another person to impede or obstruct such filing; but such reports or records shall include only those which are signed in the capacity of a licensed broker or sales associate salesperson.

(m) Has obtained a license by means of fraud, misrepresentation, or concealment.

(n) Is confined in any county jail, postadjudication; is confined in any state or federal prison or mental institution; is under home confinement ordered in lieu of institutional confinement; or, through mental disease or deterioration, can no longer safely be entrusted to competently deal with the public.

(o) Has been found guilty, for a second time, of any misconduct that warrants her or his suspension or has been found guilty of a course of conduct or practices which show that she or he is so incompetent, negligent, dishonest, or untruthful that the money, property, transactions, and rights of investors, or those with whom she or he may sustain a confidential relation, may not safely be entrusted to her or him.

(p) Has failed to inform the commission in writing within 30 days after pleading guilty or nolo contendere to, or being convicted or found guilty of, any felony.

(q) Has violated any provision of s. 475.2755 or s. 475.278, including the duties owed under those sections.

(r) Has failed in any written listing agreement to include a definite expiration date, description of the property, price and terms, fee or commission, and a proper signature of the principal(s); and has failed to give the principal(s) a legible, signed, true and correct copy of the listing agreement within 24 hours of obtaining the written listing agreement. The written listing agreement shall contain no provision requir-

ing the person signing the listing to notify the broker of the intention to cancel the listing after such definite expiration date.

(s) Has had a registration suspended, revoked, or otherwise acted against in any jurisdiction. The record of the disciplinary action certified or authenticated in such form as to be admissible in evidence under the laws of the state shall be admissible as prima facie evidence of such disciplinary action.

(t) Has violated any standard for the development or communication of a real estate appraisal or other provision of the Uniform Standards of Professional Appraisal Practice, as defined in s. 475.611, as approved and adopted by the Appraisal Standards Board of the Appraisal Foundation, as defined in s. 475.611. This paragraph does not apply to a real estate broker or sales associate salesperson who, in the ordinary course of business, performs a comparative market analysis, gives a broker price opinion, or gives an opinion of value of real estate. However, in no event may this comparative market analysis, broker price opinion, or opinion of value of real estate be referred to as an appraisal, as defined in s. 475.611.

(5) *An administrative complaint against a broker or broker associate must be filed within 5 years after the time of the act giving rise to the complaint or within 5 years after the time the act is discovered or should have been discovered with the exercise of due diligence.*

(6) *The commission shall promptly report to the proper prosecuting authority any criminal violation of any statute relating to the practice of a real estate profession regulated by the commission.*

Section 35. Section 475.2755, Florida Statutes, is amended to read:

475.2755 Designated sales associate salesperson.—

(1) For purposes of this part, in any real estate transaction other than a residential sale as defined in s. 475.278(5)(a), and where the buyer and seller have assets of \$1 million or more, the broker at the request of the customers may designate sales associates salespersons to act as single agents for different customers in the same transaction. Such designated sales associates salespersons shall have the duties of a single agent as outlined in s. 475.278(3), including disclosure requirements in s. 475.278(3)(b) and (c). In addition to disclosure requirements in s. 475.278(3)(b) and (c), the buyer and seller as customers shall both sign disclosures stating that their assets meet the threshold described in this subsection and requesting that the broker use the designated sales associate salesperson form of representation. In lieu of the transition disclosure requirement in s. 475.278(3)(c)2., the required disclosure notice shall include the following:

FLORIDA LAW PROHIBITS A DESIGNATED SALES ASSOCIATE SALESPERSON FROM DISCLOSING, EXCEPT TO THE BROKER OR PERSONS SPECIFIED BY THE BROKER, INFORMATION MADE CONFIDENTIAL BY REQUEST OR AT THE INSTRUCTION OF THE CUSTOMER THE DESIGNATED SALES ASSOCIATE SALESPERSON IS REPRESENTING. HOWEVER, FLORIDA LAW ALLOWS A DESIGNATED SALES ASSOCIATE SALESPERSON TO DISCLOSE INFORMATION ALLOWED TO BE DISCLOSED OR REQUIRED TO BE DISCLOSED BY LAW AND ALSO ALLOWS A DESIGNATED SALES ASSOCIATE SALESPERSON TO DISCLOSE TO HIS OR HER BROKER, OR PERSONS SPECIFIED BY THE BROKER, CONFIDENTIAL INFORMATION OF A CUSTOMER FOR THE PURPOSE OF SEEKING ADVICE OR ASSISTANCE FOR THE BENEFIT OF THE CUSTOMER IN REGARD TO A TRANSACTION. FLORIDA LAW REQUIRES THAT THE BROKER MUST HOLD THIS INFORMATION CONFIDENTIAL AND MAY NOT USE SUCH INFORMATION TO THE DETRIMENT OF THE OTHER PARTY.

(2) For purposes of this section, the term "buyer" means a transferee or lessee in a real property transaction, and the term "seller" means the transferor or lessor in a real property transaction.

Section 36. Section 475.278, Florida Statutes, is amended to read:

475.278 Authorized brokerage relationships; presumption of transaction brokerage; required disclosures.—

(1) **BROKERAGE RELATIONSHIPS.**—

(a) Authorized brokerage relationships.—A real estate licensee in this state may enter into a brokerage relationship as either a single

~~agent or as a~~ transaction broker ~~or as a single agent~~ with potential buyers and sellers. A real estate licensee may not operate as a disclosed or nondisclosed dual agent. As used in this section, the term "dual agent" means a broker who represents as a fiduciary both the prospective buyer and the prospective seller in a real estate transaction. ~~Once a brokerage relationship is established,~~ This part does not prevent a licensee from changing from one brokerage relationship to the other as long as the buyer or the seller, or both, gives consent as required by subparagraph (3)(c)2. before the change and the appropriate disclosure of duties as provided in this part is made to the buyer or seller. This part does not require a customer to enter into a brokerage relationship with any real estate licensee.

(b) *Presumption of transaction brokerage.*—*It shall be presumed that all licensees are operating as transaction brokers unless a single agent or no brokerage relationship is established, in writing, with a customer.*

(2) TRANSACTION BROKER RELATIONSHIP.—

(a) Transaction broker-duties of limited representation.—A transaction broker provides a limited form of representation to a buyer, a seller, or both in a real estate transaction but does not represent either in a fiduciary capacity or as a single agent. The duties of the real estate licensee in this limited form of representation include the following:

1. Dealing honestly and fairly;
2. Accounting for all funds;
3. Using skill, care, and diligence in the transaction;
4. Disclosing all known facts that materially affect the value of residential real property and are not readily observable to the buyer;
5. Presenting all offers and counteroffers in a timely manner, unless a party has previously directed the licensee otherwise in writing;
6. Limited confidentiality, unless waived in writing by a party. This limited confidentiality will prevent disclosure that the seller will accept a price less than the asking or listed price, that the buyer will pay a price greater than the price submitted in a written offer, of the motivation of any party for selling or buying property, that a seller or buyer will agree to financing terms other than those offered, or of any other information requested by a party to remain confidential; and
7. Any additional duties that are mutually agreed to with a party.

(b) Disclosure requirements.—Duties of a transaction broker must be fully described and disclosed in writing to a buyer or seller either as a separate and distinct disclosure document or included as part of another document such as a listing agreement or agreement for representation. The disclosure must be made before, or at the time of, entering into a listing agreement or an agreement for representation or before the showing of property, whichever occurs first. When incorporated into other documents, the required notice must be of the same size type, or larger, as other provisions of the document and must be conspicuous in its placement so as to advise customers of the duties of limited representation, except that the first sentence of the information identified in paragraph (c) must be printed in uppercase and bold type. *This paragraph expires July 1, 2008.*

(c) Contents of disclosure.—The required notice given under paragraph (b) must include the following information in the following form:

IMPORTANT NOTICE

FLORIDA LAW REQUIRES THAT REAL ESTATE LICENSEES PROVIDE THIS NOTICE TO POTENTIAL SELLERS AND BUYERS OF REAL ESTATE.

You should not assume that any real estate broker or salesperson represents you unless you agree to engage a real estate licensee in an authorized brokerage relationship, either as a single agent or as a transaction broker. You are advised not to disclose any information you want to be held in confidence until you make a decision on representation.

TRANSACTION BROKER NOTICE

FLORIDA LAW REQUIRES THAT REAL ESTATE LICENSEES OPERATING AS TRANSACTION BROKERS DISCLOSE TO BUYERS AND SELLERS THEIR ROLE AND DUTIES IN PROVIDING A LIMITED FORM OF REPRESENTATION.

As a transaction broker, _____ (insert name of Real Estate Firm and its Associates), provides to you a limited form of representation that includes the following duties:

1. Dealing honestly and fairly;
2. Accounting for all funds;
3. Using skill, care, and diligence in the transaction;
4. Disclosing all known facts that materially affect the value of residential real property and are not readily observable to the buyer;
5. Presenting all offers and counteroffers in a timely manner, unless a party has previously directed the licensee otherwise in writing;
6. Limited confidentiality, unless waived in writing by a party. This limited confidentiality will prevent disclosure that the seller will accept a price less than the asking or listed price, that the buyer will pay a price greater than the price submitted in a written offer, of the motivation of any party for selling or buying property, that a seller or buyer will agree to financing terms other than those offered, or of any other information requested by a party to remain confidential; and
7. Any additional duties that are entered into by this or by separate written agreement.

Limited representation means that a buyer or seller is not responsible for the acts of the licensee. Additionally, parties are giving up their rights to the undivided loyalty of the licensee. This aspect of limited representation allows a licensee to facilitate a real estate transaction by assisting both the buyer and the seller, but a licensee will not work to represent one party to the detriment of the other party when acting as a transaction broker to both parties.

_____ Date	_____ Signature
	_____ Signature

This paragraph expires July 1, 2008.

(3) SINGLE AGENT RELATIONSHIP.—

(a) Single agent-duties.—The duties of a real estate licensee owed to a buyer or seller who engages the real estate licensee as a single agent include the following:

1. Dealing honestly and fairly;
2. Loyalty;
3. Confidentiality;
4. Obedience;
5. Full disclosure;
6. Accounting for all funds;
7. Skill, care, and diligence in the transaction;
8. Presenting all offers and counteroffers in a timely manner, unless a party has previously directed the licensee otherwise in writing; and
9. Disclosing all known facts that materially affect the value of residential real property and are not readily observable.

(b) Disclosure requirements.—

1. Single agent disclosure.—Duties of a single agent must be fully described and disclosed in writing to a buyer or seller either as a separate and distinct disclosure document or included as part of another

document such as a listing agreement or other agreement for representation. The disclosure must be made before, or at the time of, entering into a listing agreement or an agreement for representation or before the showing of property, whichever occurs first. When incorporated into other documents, the required notice must be of the same size type, or larger, as other provisions of the document and must be conspicuous in its placement so as to advise customers of the duties of a single agent, except that the first sentence of the information identified in paragraph (c) must be printed in uppercase and bold type.

2. Transition to transaction broker disclosure.—A single agent relationship may be changed to a transaction broker relationship at any time during the relationship between an agent and principal, provided the agent first obtains the principal's written consent to the ~~gives the disclosure required under paragraph (2)(b) and the principal gives to the agent consent as required under subparagraph (c)2. before a change in relationship.~~ This disclosure must be in writing to the principal either as a separate and distinct document or included as part of other documents such as a listing agreement or other agreements for representation. When incorporated into other documents, the required notice must be of the same size type, or larger, as other provisions of the document and must be conspicuous in its placement so as to advise customers of the duties of limited representation, except that the first sentence of the information identified in subparagraph (c)2. must be printed in uppercase and bold type.

(c) Contents of disclosure.—

1. Single agent duties disclosure.—The notice required under subparagraph (b)1. must include the following information in the following form:

IMPORTANT NOTICE

FLORIDA LAW REQUIRES THAT REAL ESTATE LICENSEES PROVIDE THIS NOTICE TO POTENTIAL SELLERS AND BUYERS OF REAL ESTATE.

You should not assume that any real estate broker or salesperson represents you unless you agree to engage a real estate licensee in an authorized brokerage relationship, either as a single agent or as a transaction broker. You are advised not to disclose any information you want to be held in confidence until you make a decision on representation.

SINGLE AGENT NOTICE

FLORIDA LAW REQUIRES THAT REAL ESTATE LICENSEES OPERATING AS SINGLE AGENTS DISCLOSE TO BUYERS AND SELLERS THEIR DUTIES.

As a single agent, _____ (insert name of Real Estate Entity and its Associates) owe you the following duties:

1. Dealing honestly and fairly;
2. Loyalty;
3. Confidentiality;
4. Obedience;
5. Full disclosure;
6. Accounting for all funds;
7. Skill, care, and diligence in the transaction;
8. Presenting all offers and counteroffers in a timely manner, unless a party has previously directed the licensee otherwise in writing; and
9. Disclosing all known facts that materially affect the value of residential real property and are not readily observable.

_____ Date

_____ Signature

2. Transition disclosure.—*To gain the principal's written consent to a change in relationship, a licensee must use the following disclosure* ~~The~~

~~notice required under subparagraph (b)2. must include the following information in the following form as well as the information required in paragraph (2)(c):~~

CONSENT TO TRANSITION TO
TRANSACTION BROKER

FLORIDA LAW ALLOWS REAL ESTATE LICENSEES WHO REPRESENT A BUYER OR SELLER AS A SINGLE AGENT TO CHANGE FROM A SINGLE AGENT RELATIONSHIP TO A TRANSACTION BROKERAGE RELATIONSHIP IN ORDER FOR THE LICENSEE TO ASSIST BOTH PARTIES IN A REAL ESTATE TRANSACTION BY PROVIDING A LIMITED FORM OF REPRESENTATION TO BOTH THE BUYER AND THE SELLER. THIS CHANGE IN RELATIONSHIP CANNOT OCCUR WITHOUT YOUR PRIOR WRITTEN CONSENT.

As a transaction broker, _____ (insert name of Real Estate Firm and its Associates), provides to you a limited form of representation that includes the following duties:

1. Dealing honestly and fairly;
2. Accounting for all funds;
3. Using skill, care, and diligence in the transaction;
4. Disclosing all known facts that materially affect the value of residential real property and are not readily observable to the buyer;
5. Presenting all offers and counteroffers in a timely manner, unless a party has previously directed the licensee otherwise in writing;
6. Limited confidentiality, unless waived in writing by a party. This limited confidentiality will prevent disclosure that the seller will accept a price less than the asking or listed price, that the buyer will pay a price greater than the price submitted in a written offer, of the motivation of any party for selling or buying property, that a seller or buyer will agree to financing terms other than those offered, or of any other information requested by a party to remain confidential; and
7. Any additional duties that are entered into by this or by separate written agreement.

Limited representation means that a buyer or seller is not responsible for the acts of the licensee. Additionally, parties are giving up their rights to the undivided loyalty of the licensee. This aspect of limited representation allows a licensee to facilitate a real estate transaction by assisting both the buyer and the seller, but a licensee will not work to represent one party to the detriment of the other party when acting as a transaction broker to both parties.

_____ I agree that my agent may assume the role and duties of a transaction broker. [must be initialed or signed]

(4) NO BROKERAGE RELATIONSHIP.—

(a) No brokerage relationship-duties.—A real estate licensee owes to a potential seller or buyer with whom the licensee has no brokerage relationship the following duties:

1. Dealing honestly and fairly;
2. Disclosing all known facts that materially affect the value of the residential real property which are not readily observable to the buyer; and
3. Accounting for all funds entrusted to the licensee.

(b) Disclosure requirements.—Duties of a licensee who has no brokerage relationship with a buyer or seller must be fully described and disclosed in writing to the buyer or seller. The disclosure must be made before the showing of property. When incorporated into other documents, the required notice must be of the same size type, or larger, as other provisions of the document and must be conspicuous in its placement so as to advise customers of the duties of a licensee that has no brokerage relationship with a buyer or seller, except that the first sentence of the information identified in paragraph (c) must be printed in uppercase bold type.

(c) Contents of disclosure.—The notice required under paragraph (b) must include the following information in the following form:

IMPORTANT NOTICE

FLORIDA LAW REQUIRES THAT REAL ESTATE LICENSEES PROVIDE THIS NOTICE TO POTENTIAL SELLERS AND BUYERS OF REAL ESTATE.

You should not assume that any real estate broker or salesperson represents you unless you agree to engage a real estate licensee in an authorized brokerage relationship, either as a single agent or as a transaction broker. You are advised not to disclose any information you want to be held in confidence until you decide on representation.

NO BROKERAGE RELATIONSHIP NOTICE

FLORIDA LAW REQUIRES THAT REAL ESTATE LICENSEES WHO HAVE NO BROKERAGE RELATIONSHIP WITH A POTENTIAL SELLER OR BUYER DISCLOSE THEIR DUTIES TO SELLERS AND BUYERS.

As a real estate licensee who has no brokerage relationship with you, _____ (insert name of Real Estate Entity and its Associates) _____ owe to you the following duties:

1. Dealing honestly and fairly;
2. Disclosing all known facts that materially affect the value of residential real property which are not readily observable to the buyer.

3. Accounting for all funds entrusted to the licensee.

... (Date) (Signature) ...

(5) APPLICABILITY.—

(a) Residential sales.—The real estate licensee disclosure requirements of this section apply to all residential sales. As used in this subsection, the term “residential sale” means the sale of improved residential property of four units or fewer, the sale of unimproved residential property intended for use of four units or fewer, or the sale of agricultural property of 10 acres or fewer.

(b) Disclosure limitations.—

1. The real estate disclosure requirements of this section do not apply when a licensee knows that the potential seller or buyer is represented by a single agent or a transaction broker; or when an owner is selling new residential units built by the owner and the circumstances or setting should reasonably inform the potential buyer that the owner’s employee or single agent is acting on behalf of the owner, whether because of the location of the sales office or because of office signage or placards or identification badges worn by the owner’s employee or single agent.

2. The real estate licensee disclosure requirements of this section do not apply to: nonresidential transactions; the rental or leasing of real property, unless an option to purchase all or a portion of the property improved with four or fewer residential units is given; a bona fide “open house” or model home showing that does not involve eliciting confidential information, the execution of a contractual offer or an agreement for representation, or negotiations concerning price, terms, or conditions of a potential sale; unanticipated casual conversations between a licensee and a seller or buyer which do not involve eliciting confidential information, the execution of a contractual offer or agreement for representation, or negotiations concerning price, terms, or conditions of a potential sale; responding to general factual questions from a potential buyer or seller concerning properties that have been advertised for sale; situations in which a licensee’s communications with a potential buyer or seller are limited to providing general factual information, oral or written, about the qualifications, background, and services of the licensee or the licensee’s brokerage firm; auctions; appraisals; and dispositions of any interest in business enterprises or business opportunities, except for property with four or fewer residential units.

Section 37. Subsection (1) of section 475.31, Florida Statutes, is amended to read:

475.31 Final orders.—

(1) An order revoking or suspending the license of a broker shall automatically ~~cause~~ ~~cancel~~ the licenses of all *sales associates and broker associates salespersons* registered with the broker, and, if a partnership or corporation, of all members, officers, and directors thereof *to become involuntarily inactive*, while the license of the broker is inoperative or until new employment or connection is secured.

Section 38. Section 475.37, Florida Statutes, is amended to read:

475.37 Effect of reversal of order of court or commission.—If the order of the court or commission denying a license or taking any disciplinary action against a licensee is finally reversed and set aside, the defendant shall be restored to her or his rights and privileges as a broker or *sales associate salesperson* as of the date of filing the mandate or a copy thereof with the commission. The matters and things alleged in the information shall not thereafter be reexamined in any other proceeding concerning the licensure of the defendant. If the inquiry concerned was in reference to an application for licensure, the application shall stand approved, and such application shall be remanded for further proceedings according to law.

Section 39. Section 475.41, Florida Statutes, is amended to read:

475.41 Contracts of unlicensed person for commissions invalid.—No contract for a commission or compensation for any act or service enumerated in s. 475.01(3) is valid unless the broker or *sales associate salesperson* has complied with this chapter in regard to issuance and renewal of the license at the time the act or service was performed.

Section 40. Subsection (1) of section 475.42, Florida Statutes, is amended to read:

475.42 Violations and penalties.—

(1) VIOLATIONS.—

(a) A ~~No~~ person may not ~~shall~~ operate as a broker or *sales associate salesperson* without being the holder of a valid and current active license therefor. *Any person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083, or, if a corporation, as provided in s. 775.083.*

(b) A ~~No~~ person licensed as a *sales associate* may not ~~salesperson shall~~ operate as a broker or operate as a *sales associate salesperson* for any person not registered as her or his employer.

(c) A ~~No~~ broker may not ~~shall~~ employ, or continue in employment, any person as a *sales associate salesperson* who is not the holder of a valid and current license as *sales associate salesperson*; but a license as *sales associate salesperson* may be issued to a person licensed as an active broker, upon request and surrender of the license as broker, without a fee in addition to that paid for the issuance of the broker’s active license.

(d) A *sales associate* may not ~~No salesperson shall~~ collect any money in connection with any real estate brokerage transaction, whether as a commission, deposit, payment, rental, or otherwise, except in the name of the employer and with the express consent of the employer; and no real estate *sales associate salesperson*, whether the holder of a valid and current license or not, shall commence or maintain any action for a commission or compensation in connection with a real estate brokerage transaction against any person except a person registered as her or his employer at the time the *sales associate salesperson* performed the act or rendered the service for which the commission or compensation is due.

(e) A ~~No~~ person may not ~~shall~~ violate any lawful order or rule of the commission which is binding upon her or him.

(f) A ~~No~~ person may not ~~shall~~ commit any conduct or practice set forth in s. 475.25(1)(b), (c), (d), or (h).

(g) A ~~No~~ person may not ~~shall~~ make any false affidavit or affirmation intended for use as evidence by or before the commission or a member thereof, or by any of its authorized representatives, nor may ~~shall~~ any

person give false testimony under oath or affirmation to or before the commission or any member thereof in any proceeding authorized by this chapter.

(h) A ~~No~~ person ~~may not shall~~ fail or refuse to appear at the time and place designated in a subpoena issued with respect to a violation of this chapter, unless because of facts that are sufficient to excuse appearance in response to a subpoena from the circuit court; nor ~~may shall~~ a person who is present before the commission or a member thereof or one of its authorized representatives acting under authority of this chapter refuse to be sworn or to affirm or fail or refuse to answer fully any question propounded by the commission, the member, or such representative, or by any person by the authority of such officer or appointee; nor ~~may shall~~ any person, so being present, conduct herself or himself in a disorderly, disrespectful, or contumacious manner.

(i) A ~~No~~ person ~~may not shall~~ obstruct or hinder in any manner the enforcement of this chapter or the performance of any lawful duty by any person acting under the authority of this chapter or interfere with, intimidate, or offer any bribe to any member of the commission or any of its employees or any person who is, or is expected to be, a witness in any investigation or proceeding relating to a violation of this chapter.

(j) A ~~No~~ broker or ~~sales associate may not salesperson shall~~ place, or cause to be placed, upon the public records of any county, any contract, assignment, deed, will, mortgage, affidavit, or other writing which purports to affect the title of, or encumber, any real property if the same is known to her or him to be false, void, or not authorized to be placed of record, or not executed in the form entitling it to be recorded, or the execution or recording whereof has not been authorized by the owner of the property, maliciously or for the purpose of collecting a commission, or to coerce the payment of money to the broker or ~~sales associate salesperson~~ or other person, or for any unlawful purpose. However, nothing in this paragraph shall be construed to prohibit a broker or a ~~sales associate salesperson~~ from recording a judgment rendered by a court of this state or to prohibit a broker from placing a lien on a property where expressly permitted by contractual agreement.

(k) A ~~No~~ person ~~may not shall~~ operate as a broker under a trade name without causing the trade name to be noted in the records of the commission and placed on the person's license, or so operate as a member of a partnership or as a corporation or as an officer or manager thereof, unless such partnership or corporation is the holder of a valid current registration.

(l) A ~~No~~ person ~~may not shall~~ knowingly conceal any information relating to violations of this chapter.

(m) A ~~No~~ person ~~may not shall~~ undertake to list or sell one or more timeshare periods per year in one or more timeshare plans on behalf of any number of persons without first being the holder of a valid and current license as a broker or ~~sales associate salesperson~~ pursuant to this chapter, except as provided in s. 475.011 and chapter 721.

(n) A ~~No~~ broker or ~~sales associate may not salesperson shall~~ enter into any listing or other agreement regarding her or his services in connection with the resale of a timeshare period unless the broker or ~~sales associate salesperson~~ fully and fairly discloses all material aspects of the agreement to the owner of the timeshare period and fully complies with the provisions of s. 475.452. Further, a ~~no~~ broker or ~~sales associate may not use salesperson shall utilize~~ any form of contract or purchase and sale agreement in connection with the resale of a timeshare period unless the contract or purchase and sale agreement fully and fairly discloses all material aspects of the timeshare plan and the rights and obligations of both buyer and seller. The commission is authorized to ~~adopt promulgate~~ rules pursuant to chapter 120 as necessary to implement, enforce, and interpret this paragraph.

(o) A person ~~may not disseminate or cause to be disseminated by any means any false or misleading information for the purpose of offering for sale, or for the purpose of causing or inducing any other person to purchase, lease, or rent, real estate located in the state or for the purpose of causing or inducing any other person to acquire an interest in the title to real estate located in the state.~~

Section 41. Section 475.43, Florida Statutes, is amended to read:

475.43 Presumptions.—In all criminal cases, contempt cases, and other cases filed pursuant to this chapter, if a party has sold, leased, or

let real estate, the title to which was not in the party when it was offered for sale, lease, or letting, or such party has maintained an office bearing signs that real estate is for sale, lease, or rental thereat, or has advertised real estate for sale, lease, or rental, generally, or describing property, the title to which was not in such party at the time, it shall be a presumption that such party was acting or attempting to act as a real estate broker, and the burden of proof shall be upon him or her to show that he or she was not acting or attempting to act as a broker or ~~sales associate salesperson~~. All contracts, options, or other devices not based upon a substantial consideration, or that are otherwise employed to permit an unlicensed person to sell, lease, or let real estate, the beneficial title to which has not, in good faith, passed to such party for a substantial consideration, are hereby declared void and ineffective in all cases, suits, or proceedings had or taken under this chapter; however, this section shall not apply to irrevocable gifts, to unconditional contracts to purchase, or to options based upon a substantial consideration actually paid and not subject to any agreements to return or right of return reserved.

Section 42. Section 475.451, Florida Statutes, is amended to read:

475.451 Schools teaching real estate practice.—

(1) Each person, school, or institution, except approved and accredited colleges, universities, community colleges, and area technical centers in this state, which offers or conducts any course of study in real estate practice, teaches any course prescribed by the commission as a condition precedent to licensure or renewal of licensure as a broker or ~~sales associate salesperson~~, or teaches any course designed or represented to enable or assist applicants for licensure as brokers or ~~sales associates salespersons~~ to pass examinations for such licensure shall, before commencing or continuing further to offer or conduct such course or courses, obtain a permit from the department and abide by the regulations imposed upon such person, school, or institution by this chapter and rules of the commission adopted pursuant to this chapter. The exemption for colleges, universities, community colleges, and area technical centers is limited to transferable college credit courses offered by such institutions.

(2) An applicant for a permit to operate a proprietary real estate school, to be a chief administrator of a proprietary real estate school or a state institution, or to be an instructor for a proprietary real estate school or a state institution must meet the qualifications for practice set forth in s. 475.17(1) and the following minimal requirements:

(a) "School permitholder" means the individual who is responsible for directing the overall operation of a proprietary real estate school. A school permitholder must be the holder of a license as a broker, either active or voluntarily inactive, or must have passed an instructor's examination approved by the commission. A school permitholder must also meet the requirements of a school instructor if actively engaged in teaching.

(b) "Chief administrative person" means the individual who is responsible for the administration of the overall policies and practices of the institution or proprietary real estate school. A chief administrative person must also meet the requirements of a school instructor if actively engaged in teaching.

(c) "School instructor" means an individual who instructs persons in the classroom in noncredit college courses in a college, university, or community college or courses in an area technical center or proprietary real estate school.

1. Before commencing to provide such instruction, the applicant must certify the applicant's competency and obtain an instructor permit by meeting one of the following requirements:

a. Hold a bachelor's degree in a business-related subject, such as real estate, finance, accounting, business administration, or its equivalent and hold a valid broker's license in this state.

b. Hold a bachelor's degree, have extensive real estate experience, as defined by rule, and hold a valid broker's license in this state.

c. Pass an instructor's examination approved by the commission.

2. Any requirement by the commission for a teaching demonstration or practical examination must apply to all school instructor applicants.

3. The department shall renew an instructor permit upon receipt of a renewal application and fee. The renewal application shall include proof that the permitholder has, since the issuance or renewal of the current permit, successfully completed a minimum of 7 15 classroom hours of instruction in real estate subjects or instructional techniques, as prescribed by the commission. The commission shall adopt rules providing for the renewal of instructor permits at least every 2 years. Any permit which is not renewed at the end of the permit period established by the department shall automatically revert to involuntarily inactive status.

The department may require an applicant to submit names of persons having knowledge concerning the applicant and the enterprise; may propound interrogatories to such persons and to the applicant concerning the character of the applicant, including the taking of fingerprints for processing through the Federal Bureau of Investigation; and shall make such investigation of the applicant or the school or institution as it may deem necessary to the granting of the permit. If an objection is filed, it shall be considered in the same manner as objections or administrative complaints against other applicants for licensure by the department.

(3) It is unlawful for any person, school, or institution to offer the courses described in subsection (1) or to conduct classes in such courses, regardless of the number of pupils, whether by correspondence or otherwise, without first procuring a permit, or to guarantee that its pupils will pass any examinations required for licensure, or to represent that the issuance of a permit is any recommendation or endorsement of the person, school, or institution to which it is issued or of any course of instruction given thereunder.

(4) Any person who violates this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(5) The location of classes and frequency of class meetings and the provision of distance learning courses shall be in the discretion of the school offering real estate courses, so long as such courses conform to s. 475.17(2).

(6) Any course prescribed by the commission as a condition precedent to any person's becoming initially licensed as a *sales associate salesperson* may be taught in any real estate school through the use of a video tape of instruction by a currently permitted instructor from any such school or may be taught by distance learning pursuant to s. 475.17(2). The commission may require that any such video tape course have a single session of live instruction by a currently permitted instructor from any such school; however, this requirement shall not exceed 3 classroom hours. All other prescribed courses, except the continuing education course required by s. 475.182, shall be taught by a currently permitted school instructor personally in attendance at such course or by distance learning pursuant to s. 475.17. The continuing education course required by s. 475.182 may be taught by distance learning pursuant to s. 475.17 or by an equivalent correspondence course; however, any such correspondence course shall be required to have a final examination, prepared and administered by the school issuing the correspondence course. The continuing education requirements provided in this section or provided in any other section in this chapter do not apply with respect to any attorney who is otherwise qualified under the provisions of this chapter.

~~(7) Any person holding a school instructor permit on October 1, 1983, is exempt from the instructor examination requirements of paragraph (2)(c) as long as the person continuously holds such a permit and complies with all other requirements of this chapter.~~

(7)(8) A permitholder under this section may be issued additional permits whenever it is clearly shown that the requested additional permits are necessary to the conduct of the business of a real estate school and that the additional permits will not be used in a manner likely to be prejudicial to any person, including a licensee or a permitholder under this chapter.

Section 43. Subsections (4) and (5) of section 475.4511, Florida Statutes, are repealed.

Section 44. Section 475.453, Florida Statutes, is amended to read:

475.453 Rental information; contract or receipt; refund; penalty.—

(1) Each broker or *sales associate salesperson* who attempts to negotiate a rental, or who furnishes rental information to a prospective tenant, for a fee paid by the prospective tenant shall provide such prospective tenant with a contract or receipt, which contract or receipt contains a provision for the repayment of any amount over 25 percent of the fee to the prospective tenant if the prospective tenant does not obtain a rental. If the rental information provided by the broker or *sales associate salesperson* to a prospective tenant is not current or accurate in any material respect, the full fee shall be repaid to the prospective tenant upon demand. A demand from the prospective tenant for the return of the fee, or any part thereof, shall be made within 30 days following the day on which the real estate broker or *sales associate salesperson* has contracted to perform services to the prospective tenant. The contract or receipt shall also conform to the guidelines adopted by the commission in order to effect disclosure of material information regarding the service to be provided to the prospective tenant.

(2) The commission may adopt a guideline for the form of the contract or receipt required to be provided by brokers or *sales associates salespersons* pursuant to the provisions of subsection (1).

(3)(a) Any person who violates any provision of subsection (1) is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) In addition to the penalty prescribed in paragraph (a), the license of any broker or *sales associate salesperson* who participates in any rental information transaction which is in violation of the provisions of subsection (1) shall be subject to suspension or revocation by the commission in the manner prescribed by law.

Section 45. Section 475.455, Florida Statutes, is amended to read:

475.455 Exchange of disciplinary information.—The commission shall inform the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation of any disciplinary action the commission has taken against any of its licensees. The division shall inform the commission of any disciplinary action the division has taken against any broker or *sales associate salesperson* registered with the division.

Section 46. Section 475.482, Florida Statutes, is amended to read:

475.482 Real Estate Recovery Fund.—There is created the Florida Real Estate Recovery Fund as a separate account in the Professional Regulation Trust Fund.

(1) The Florida Real Estate Recovery Fund shall be disbursed as provided in s. 475.484, on order of the commission, as reimbursement to any person, partnership, or corporation adjudged by a court of competent civil jurisdiction in this state to have suffered monetary damages by reason of any act committed, as a part of any real estate brokerage transaction involving real property in this state, by any broker or *sales associate salesperson* who:

(a) Was, at the time the alleged act was committed, the holder of a current, valid, active real estate license issued under this part;

(b) Was neither the seller, buyer, landlord, or tenant in the transaction nor an officer or a director of a corporation, a member of a partnership, a member of a limited liability company, or a partner of a limited liability partnership which was the seller, buyer, landlord, or tenant in the transaction; and

(c) Was acting solely in the capacity of a real estate licensee in the transaction;

provided the act was a violation proscribed in s. 475.25 or s. 475.42.

(2) The Real Estate Recovery Fund shall also be disbursed as provided in s. 475.484, on order of the commission, as reimbursement to any broker or *sales associate salesperson* who is required by a court of competent civil jurisdiction to pay monetary damages due to a distribution of escrow moneys which is made in compliance with an escrow disbursement order issued by the commission. However, in no case shall the fund be disbursed when the broker or *sales associate salesperson* fails to notify the commission and to diligently defend an action wherein the broker or *sales associate salesperson* may be required by a court of competent civil jurisdiction to pay monetary damages due to a distribu-

tion of escrow moneys which is made in compliance with an escrow disbursement order issued by the commission.

(3) A fee of \$3.50 per year shall be added to the license fee for both new licenses and renewals of licenses for brokers, and a fee of \$1.50 per year shall be added for new licenses and renewals of licenses for *sales associates salespersons*. This fee shall be in addition to the regular license fee and shall be deposited in or transferred to the Real Estate Recovery Fund. If the fund at any time exceeds \$1 million ~~\$750,000~~, collection of special fees for this fund shall be discontinued at the end of the licensing renewal cycle. Such special fees shall not be reimposed unless the fund is reduced below \$500,000 by disbursement made in accordance with this chapter.

(4) In addition, all moneys collected from fines imposed by the commission and collected by the department shall be transferred into the Real Estate Recovery Fund.

Section 47. Paragraph (a) of subsection (1) and subsections (2) and (3) of section 475.483, Florida Statutes, are amended to read:

475.483 Conditions for recovery; eligibility.—

(1) Any person is eligible to seek recovery from the Real Estate Recovery Fund if:

(a) Such person has received a final judgment in a court of competent civil jurisdiction in this state against an individual broker or *sales associate salesperson* in any action wherein the cause of action was based on a real estate brokerage transaction. If such person is unable to secure a final judgment against a licensee due to the death of the licensee, the commission may waive the requirement for a final judgment. The filing of a bankruptcy petition by a broker or *sales associate salesperson* does not relieve a claimant from the obligation to obtain a final judgment against the licensee. In this instance, the claimant must seek to have assets involving the real estate transaction that gave rise to the claim removed from the bankruptcy proceedings so that the matter might be heard in a court of competent civil jurisdiction in this state. If, after due diligence, the claimant is precluded by action of the bankruptcy court from securing a final judgment against the licensee, the commission may waive the requirement for a final judgment.

(2) A person is not qualified to make a claim for recovery from the Real Estate Recovery Fund, if:

(a) Such person is the spouse of the judgment debtor or a personal representative of such spouse;

(b) Such person is a licensed broker or *sales associate salesperson* who acted as a single agent or transaction broker in the transaction that is the subject of the claim;

(c) Such person's claim is based upon a real estate transaction in which the licensed broker or *sales associate salesperson* was the owner of or controlled the property involved in the transaction; in which the licensee was dealing for the licensee's own account; or in which the licensee was not acting as a broker or *sales associate salesperson*;

(d) Such person's claim is based upon a real estate transaction in which the broker or *sales associate salesperson* did not hold a valid, current, and active license at the time of the real estate transaction; or

(e) The judgment is against a real estate brokerage corporation, partnership, limited liability company, or limited liability partnership.

(3) ~~The commission may pay attorney's fees and court costs~~ If the claim is of the type described in s. 475.482(2), *the commission shall pay the defendant's reasonable attorney's fees and court costs and, if the plaintiff prevails in court, the plaintiff's reasonable attorney's fees and court costs.*

Section 48. Subsections (1), (3), (4), (5), and (7) of section 475.484, Florida Statutes, are amended to read:

475.484 Payment from the fund.—

(1) Any person who meets all of the conditions prescribed in s. 475.482(1) or (2) may apply to the commission to cause payment to be made to such person from the Real Estate Recovery Fund:

(a) Under s. 475.482(1), in an amount equal to the unsatisfied portion of such person's judgment or \$50,000 ~~\$25,000~~, whichever is less, but only to the extent and amount reflected in the judgment as being actual or compensatory damages. Except as provided in s. 475.483, treble damages, court costs, attorney's fees, and interest shall not be recovered from the fund.

(b) Under s. 475.482(2), in an amount equal to the judgment against the broker or *sales associate salesperson* or \$50,000 ~~\$25,000~~, whichever is less.

(3) Payments for claims arising out of the same transaction shall be limited, in the aggregate, to \$50,000 ~~\$25,000~~, regardless of the number of claimants or parcels of real estate involved in the transaction.

(4) Payments for claims based upon judgments against any one broker or *sales associate salesperson* may not exceed, in the aggregate, \$150,000 ~~\$75,000~~.

(5) If at any time the moneys in the Real Estate Recovery Fund are insufficient to satisfy any valid claim or portion thereof, the commission shall satisfy such unpaid claim or portion thereof as soon as a sufficient amount of money has been deposited in or transferred to the fund. When there is more than one unsatisfied claim outstanding, such claims shall be paid in the order in which the claims were approved by the commission. However, if the total claims approved at any one commission meeting exceed the aggregate amount established in subsection (4) against any one broker or *sales associate salesperson*, the claims approved on that day shall be prorated.

(7) Upon the payment of any amount from the Real Estate Recovery Fund in settlement of a claim in satisfaction of a judgment against a broker or *sales associate salesperson* as described in s. 475.482(1), the license of such broker or *sales associate salesperson* shall be automatically suspended upon the date of payment from the fund. The license of such broker or *sales associate salesperson* may not be reinstated until the licensee has repaid in full, plus interest, the amount paid from the fund. No further administrative action is necessary. A discharge of bankruptcy does not relieve a licensee from the penalties and disabilities provided in this section, except to the extent that this subsection conflicts with 11 U.S.C. s. 525, in which case the commission may order the license not to be suspended or otherwise discriminated against.

Section 49. Subsection (2) of section 475.5017, Florida Statutes, is amended to read:

475.5017 Injunctive relief; powers.—

(2) All expenses of the receiver shall be paid out of the assets of the brokerage firm upon application to and approval by the court. If the assets are not sufficient to pay all the expenses of the receiver, the court may order disbursement from the Real Estate Recovery Fund, which may not exceed \$100,000 ~~\$75,000~~ per receivership.

Section 50. Subsections (2) and (3) of section 475.612, Florida Statutes, are amended to read:

475.612 Certification, licensure, or registration required.—

(2) This section does not preclude a broker, *sales associate salesperson*, or *broker associate broker salesperson* who is not a certified or licensed real estate appraiser or registered assistant real estate appraiser from appraising real estate for compensation. Such persons may continue to provide appraisals and appraisal services for compensation so long as they do not represent themselves as certified, licensed, or registered under this part.

(3) This section does not apply to a real estate broker or *sales associate salesperson* who, in the ordinary course of business, performs a comparative market analysis, gives a broker price opinion, or gives an opinion of the value of real estate. However, in no event may this comparative market analysis, broker price opinion, or opinion of value of real estate be referred to or construed as an appraisal.

Section 51. Section 689.25, Florida Statutes, is amended to read:

689.25 Failure to disclose *homicide, suicide, deaths, or* diagnosis of HIV or AIDS infection in an occupant of real property.—

(1)(a) The fact that an occupant of real property is infected or has been infected with human immunodeficiency virus or diagnosed with acquired immune deficiency syndrome is not a material fact that must be disclosed in a real estate transaction.

(b) *The fact that a property was, or was at any time suspected to have been, the site of a homicide, suicide, or death is not a material fact that must be disclosed in a real estate transaction.*

(2) A ~~No~~ cause of action shall not arise ~~arises~~ against an owner of real property, ~~or his or her agent, an or against any~~ agent of a transferee of real property, ~~or a person licensed under chapter 475 for the failure to disclose to the transferee that the property was or was suspected to have been the site of a homicide, suicide, or death or that an occupant of that property was infected with human immunodeficiency virus or diagnosed with acquired immune deficiency syndrome.~~

Section 52. Sections 475.421 and 475.422, Florida Statutes, are repealed.

Section 53. Paragraph (d) of subsection (3) of section 83.49, Florida Statutes, is amended to read:

83.49 Deposit money or advance rent; duty of landlord and tenant.—

(3)

(d) Compliance with this section by an individual or business entity authorized to conduct business in this state, including Florida-licensed real estate brokers and sales associates ~~salespersons~~, shall constitute compliance with all other relevant Florida Statutes pertaining to security deposits held pursuant to a rental agreement or other landlord-tenant relationship. Enforcement personnel shall look solely to this section to determine compliance. This section prevails over any conflicting provisions in chapter 475 and in other sections of the Florida Statutes, and shall operate to permit licensed real estate brokers to disburse security deposits and deposit money without having to comply with the notice and settlement procedures contained in s. 475.25(1)(d).

Section 54. Paragraph (d) of subsection (15) of section 440.02, Florida Statutes, is amended to read:

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(15)

(d) “Employee” does not include:

1. An independent contractor, if:

a. The independent contractor maintains a separate business with his or her own work facility, truck, equipment, materials, or similar accommodations;

b. The independent contractor holds or has applied for a federal employer identification number, unless the independent contractor is a sole proprietor who is not required to obtain a federal employer identification number under state or federal requirements;

c. The independent contractor performs or agrees to perform specific services or work for specific amounts of money and controls the means of performing the services or work;

d. The independent contractor incurs the principal expenses related to the service or work that he or she performs or agrees to perform;

e. The independent contractor is responsible for the satisfactory completion of work or services that he or she performs or agrees to perform and is or could be held liable for a failure to complete the work or services;

f. The independent contractor receives compensation for work or services performed for a commission or on a per-job or competitive-bid basis and not on any other basis;

g. The independent contractor may realize a profit or suffer a loss in connection with performing work or services;

h. The independent contractor has continuing or recurring business liabilities or obligations; and

i. The success or failure of the independent contractor’s business depends on the relationship of business receipts to expenditures.

However, the determination as to whether an individual included in the Standard Industrial Classification Manual of 1987, Industry Numbers 0711, 0721, 0722, 0751, 0761, 0762, 0781, 0782, 0783, 0811, 0831, 0851, 2411, 2421, 2435, 2436, 2448, or 2449, or a newspaper delivery person, is an independent contractor is governed not by the criteria in this paragraph but by common-law principles, giving due consideration to the business activity of the individual. Notwithstanding the provisions of this paragraph or any other provision of this chapter, with respect to any commercial building project estimated to be valued at \$250,000 or greater, a person who is actively engaged in the construction industry is not an independent contractor and is either an employer or an employee who may not be exempt from the coverage requirements of this chapter.

2. A real estate licensee ~~salesperson or agent~~, if that person agrees, in writing, to perform for remuneration solely by way of commission.

3. Bands, orchestras, and musical and theatrical performers, including disk jockeys, performing in licensed premises as defined in chapter 562, if a written contract evidencing an independent contractor relationship is entered into before the commencement of such entertainment.

4. An owner-operator of a motor vehicle who transports property under a written contract with a motor carrier which evidences a relationship by which the owner-operator assumes the responsibility of an employer for the performance of the contract, if the owner-operator is required to furnish the necessary motor vehicle equipment and all costs incidental to the performance of the contract, including, but not limited to, fuel, taxes, licenses, repairs, and hired help; and the owner-operator is paid a commission for transportation service and is not paid by the hour or on some other time-measured basis.

5. A person whose employment is both casual and not in the course of the trade, business, profession, or occupation of the employer.

6. A volunteer, except a volunteer worker for the state or a county, municipality, or other governmental entity. A person who does not receive monetary remuneration for services is presumed to be a volunteer unless there is substantial evidence that a valuable consideration was intended by both employer and employee. For purposes of this chapter, the term “volunteer” includes, but is not limited to:

a. Persons who serve in private nonprofit agencies and who receive no compensation other than expenses in an amount less than or equivalent to the standard mileage and per diem expenses provided to salaried employees in the same agency or, if such agency does not have salaried employees who receive mileage and per diem, then such volunteers who receive no compensation other than expenses in an amount less than or equivalent to the customary mileage and per diem paid to salaried workers in the community as determined by the department; and

b. Volunteers participating in federal programs established under Pub. L. No. 93-113.

7. Any officer of a corporation who elects to be exempt from this chapter.

8. A sole proprietor or officer of a corporation who actively engages in the construction industry, and a partner in a partnership that is actively engaged in the construction industry, who elects to be exempt from the provisions of this chapter. Such sole proprietor, officer, or partner is not an employee for any reason until the notice of revocation of election filed pursuant to s. 440.05 is effective.

9. An exercise rider who does not work for a single horse farm or breeder, and who is compensated for riding on a case-by-case basis, provided a written contract is entered into prior to the commencement of such activity which evidences that an employee/employer relationship does not exist.

10. A taxicab, limousine, or other passenger vehicle-for-hire driver who operates said vehicles pursuant to a written agreement with a company which provides any dispatch, marketing, insurance, communications, or other services under which the driver and any fees or charges

paid by the driver to the company for such services are not conditioned upon, or expressed as a proportion of, fare revenues.

11. A person who performs services as a sports official for an entity sponsoring an interscholastic sports event or for a public entity or private, nonprofit organization that sponsors an amateur sports event. For purposes of this subparagraph, such a person is an independent contractor. For purposes of this subparagraph, the term "sports official" means any person who is a neutral participant in a sports event, including, but not limited to, umpires, referees, judges, linespersons, scorekeepers, or timekeepers. This subparagraph does not apply to any person employed by a district school board who serves as a sports official as required by the employing school board or who serves as a sports official as part of his or her responsibilities during normal school hours.

Section 55. Paragraph (n) of subsection (21) of section 443.036, Florida Statutes, is amended to read:

443.036 Definitions.—As used in this chapter, unless the context clearly requires otherwise:

(21) EMPLOYMENT.—"Employment," subject to the other provisions of this chapter, means any service performed by an employee for the person employing him or her.

(n) Exclusions generally.—The term "employment" does not include:

1. Domestic service in a private home, local college club, or local chapter of a college fraternity or sorority, except as provided in paragraph (g).

2. Service performed on or in connection with a vessel or aircraft not an American vessel or American aircraft, if the employee is employed on and in connection with such vessel or aircraft when outside the United States.

3. Service performed by an individual in, or as an officer or member of the crew of a vessel while it is engaged in, the catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life, including service performed by any such individual as an ordinary incident to any such activity, except:

a. Service performed in connection with the catching or taking of salmon or halibut for commercial purposes.

b. Service performed on, or in connection with, a vessel of more than 10 net tons, determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States.

4. Service performed by an individual in the employ of his or her son, daughter, or spouse, including step relationships, and service performed by a child, or stepchild, under the age of 21 in the employ of his or her father or mother, or stepfather or stepmother.

5. Service performed in the employ of the United States Government or of an instrumentality of the United States which is:

a. Wholly or partially owned by the United States.

b. Exempt from the tax imposed by s. 3301 of the Internal Revenue Code by virtue of any provision of federal law which specifically refers to such section, or the corresponding section of prior law, in granting such exemption; except that to the extent that the Congress shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation law, all of the provisions of this law shall be applicable to such instrumentalities, and to services performed for such instrumentalities, in the same manner, to the same extent, and on the same terms as to all other employers, employing units, individuals, and services. If this state is not certified for any year by the Secretary of Labor under s. 3304 of the federal Internal Revenue Code, the payments required of such instrumentalities with respect to such year shall be refunded by the division from the fund in the same manner and within the same period as is provided in s. 443.141(6) with respect to contributions erroneously collected.

6. Service performed in the employ of a state, or any political subdivision thereof, or any instrumentality of any one or more of the foregoing

which is wholly owned by one or more states or political subdivisions, except as provided in paragraph (b), and any service performed in the employ of any instrumentality of one or more states or political subdivisions, to the extent that the instrumentality is, with respect to such service, immune under the Constitution of the United States from the tax imposed by s. 3301 of the Internal Revenue Code.

7. Service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office, except as provided in paragraph (c).

8. Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an Act of Congress.

9.a. Service performed in any calendar quarter in the employ of any organization exempt from income tax under s. 501(a) of the Internal Revenue Code, other than an organization described in s. 401(a), or under s. 521, if the remuneration for such service is less than \$50.

b. Service performed in the employ of a school, college, or university, if such service is performed by a student who is enrolled and is regularly attending classes at such school, college, or university.

10. Service performed in the employ of a foreign government, including service as a consular or other officer or employee of a nondiplomatic representative.

11. Service performed in the employ of an instrumentality wholly owned by a foreign government:

a. If the service is of a character similar to that performed in foreign countries by employees of the United States Government or of an instrumentality thereof; and

b. The Secretary of State shall certify to the Secretary of the Treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States Government and of instrumentalities thereof.

12. Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to a state law; service performed as an intern in the employ of a hospital by an individual who has completed a 4-year course in a medical school chartered or approved pursuant to state law; and service performed by a patient of a hospital for such hospital.

13. Service performed by an individual for a person as an insurance agent or as an insurance solicitor, if all such service performed by such individual for such person is performed for remuneration solely by way of commission, except for such services performed in accordance with 26 U.S.C.S. s. 3306(c)(7) and (8). For purposes of this subsection, those benefits excluded from the definition of wages pursuant to subparagraphs (40)(b)2.-6., inclusive, shall not be considered remuneration.

14. Service performed by an individual for a person as a real estate licensee ~~salesperson or agent~~, if all such service performed by such individual for such person is performed for remuneration solely by way of commission.

15. Service performed by an individual under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution.

16. Service covered by an arrangement between the division and the agency charged with the administration of any other state or federal unemployment compensation law pursuant to which all services performed by an individual for an employing unit during the period covered

by such employing unit's duly approved election are deemed to be performed entirely within such agency's state or under such federal law.

17. Service performed by an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except that this subparagraph does not apply to service performed in a program established for or on behalf of an employer or group of employers.

18. Service performed by an individual for a person as a barber, if all such service performed by such individual for such person is performed for remuneration solely by way of commission.

19. Casual labor not in the course of the employer's trade or business.

20. Service performed by a speech therapist, occupational therapist, or physical therapist who is nonsalaried and working pursuant to a written contract with a home health agency as defined in s. 400.462.

21. Service performed by a direct seller. For purposes of this subparagraph, the term "direct seller" means a person:

a.(I) Who is engaged in the trade or business of selling or soliciting the sale of consumer products to buyers on a buy-sell basis or a deposit-commission basis, or on any similar basis, for resale in the home or in any other place that is not a permanent retail establishment; or

(II) Who is engaged in the trade or business of selling or soliciting the sale of consumer products in the home or in any other place that is not a permanent retail establishment;

b. Substantially all of whose remuneration for services described in sub-subparagraph a., whether or not paid in cash, is directly related to sales or other output, rather than to the number of hours worked; and

c. Who performs such services pursuant to a written contract with the person for whom the services are performed, which contract provides that the person will not be treated as an employee with respect to such services for federal tax purposes.

22. Service performed by a nonresident alien individual for the period he or she is temporarily present in the United States as a nonimmigrant under subparagraph (F) or subparagraph (J) of s. 101(a)(15) of the Immigration and Nationality Act, and which is performed to carry out the purpose specified in subparagraph (F) or subparagraph (J), as the case may be.

23. Service performed by an individual for remuneration for a private, for-profit delivery or messenger service, if the individual:

a. Is free to accept or reject jobs from the delivery or messenger service and the delivery or messenger service has no control over when the individual works;

b. Is remunerated for each delivery, or the remuneration is based on factors that relate to the work performed, including receipt of a percentage of any rate schedule;

c. Pays all expenses and the opportunity for profit or loss rests solely with the individual;

d. Is responsible for operating costs, including fuel, repairs, supplies, and motor vehicle insurance;

e. Determines the method of performing the service, including selection of routes and order of deliveries;

f. Is responsible for the completion of a specific job and is liable for any failure to complete that job;

g. Enters into a contract with the delivery or messenger service which specifies the relationship of the individual to the delivery or messenger service to be that of an independent contractor and not that of an employee; and

h. Provides the vehicle used to perform the service.

24. Service performed in agricultural labor by an individual who is an alien admitted to the United States to perform service in agricultural labor pursuant to ss. 101(a)(15)(H) and 214(c) of the Immigration and Nationality Act.

25. Service performed by a person who is an inmate of a penal institution.

Section 56. Subsection (25) of section 501.604, Florida Statutes, is amended to read:

501.604 Exemptions.—The provisions of this part, except ss. 501.608 and 501.616(6) and (7), do not apply to:

(25) A person ~~who is a licensed real estate salesperson or broker~~ pursuant to chapter 475 and who is soliciting within the scope of the chapter.

Section 57. Subsection (4) of section 687.14, Florida Statutes, is amended to read:

687.14 Definitions.—As used in this act, unless the context otherwise requires:

(4) "Loan broker" means any person, except any bank or savings and loan association, trust company, building and loan association, credit union, consumer finance company, retail installment sales company, securities broker-dealer, real estate broker or ~~sales associate salesperson~~, attorney, federal Housing Administration or United States Department of Veterans Affairs approved lender, credit card company, installment loan licensee, mortgage broker or lender, or insurance company, provided that the person excepted is licensed by and subject to regulation or supervision of any agency of the United States or this state and is acting within the scope of the license; and also excepting subsidiaries of licensed or chartered consumer finance companies, banks, or savings and loan associations; who:

(a) For or in expectation of consideration arranges or attempts to arrange or offers to fund a loan of money, a credit card, or a line of credit;

(b) For or in expectation of consideration assists or advises a borrower in obtaining or attempting to obtain a loan of money, a credit card, a line of credit, or related guarantee, enhancement, or collateral of any kind or nature;

(c) Acts for or on behalf of a loan broker for the purpose of soliciting borrowers; or

(d) Holds herself or himself out as a loan broker.

Section 58. Subsections (1) and (6) of section 721.20, Florida Statutes, are amended to read:

721.20 Licensing requirements; suspension or revocation of license; exceptions to applicability; collection of advance fees for listings unlawful.—

(1) Any seller of a timeshare plan must be a licensed real estate ~~salesperson~~, broker, ~~broker associate~~, or ~~sales associate broker-salesperson~~ as defined in s. 475.01, except as provided in s. 475.011.

(6) Notwithstanding the provisions of s. 475.452, it is unlawful for any ~~real estate broker, broker associate salesperson, or sales associate broker-salesperson~~ to collect any advance fee for the listing of any timeshare estate or timeshare license.

Section 59. Paragraph (a) of subsection (1) of section 760.29, Florida Statutes, is amended to read:

760.29 Exemptions.—

(1)(a) Nothing in ss. 760.23 and 760.25 applies to:

1. Any single-family house sold or rented by its owner, provided such private individual owner does not own more than three single-family houses at any one time. In the case of the sale of a single-family house by a private individual owner who does not reside in such house at the time of the sale or who was not the most recent resident of the house

prior to the sale, the exemption granted by this paragraph applies only with respect to one sale within any 24-month period. In addition, the bona fide private individual owner shall not own any interest in, nor shall there be owned or reserved on his or her behalf, under any express or voluntary agreement, title to, or any right to all or a portion of the proceeds from the sale or rental of, more than three single-family houses at any one time. The sale or rental of any single-family house shall be excepted from the application of ss. 760.20-760.37 only if the house is sold or rented:

a. Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate ~~licensee broker, agent, or salesperson~~ or such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such ~~licensee broker, agent, salesperson, or person~~; and

b. Without the publication, posting, or mailing, after notice, of any advertisement or written notice in violation of s. 760.23(3).

Nothing in this provision prohibits the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as is necessary to perfect or transfer the title.

2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his or her residence.

Section 60. This act shall take effect July 1, 2003.

And the title is amended as follows:

On page 3, line 2, after the semicolon (;) insert: amending s. 475.001, F.S.; conforming terminology; amending s. 475.01, F.S.; redesignating "broker-salespersons" as "broker associates" and "salespersons" as "sales associates"; expanding the definition of "transaction broker"; amending s. 475.011, F.S.; conforming terminology; amending ss. 475.02 and 475.04, F.S.; conforming terminology; creating s. 475.161, F.S.; providing for licensing of broker associates and sales associates; amending s. 475.17, F.S.; revising qualifications for practice; authorizing additional subjects for postlicensure education; restricting approval of distance learning courses to instances of hardship; conforming terminology; amending s. 475.175, F.S.; revising requirements to take the license examination; revising requirements with respect to notice of completion of educational requirements; amending s. 475.181, F.S.; conforming terminology; amending s. 475.182, F.S.; providing guidelines for approving specialty courses; conforming terminology; amending s. 475.215, F.S.; conforming terminology; amending s. 475.22, F.S.; revising requirements with respect to brokers' signs; amending s. 475.23, F.S.; providing for notice of change of address; conforming terminology; amending s. 475.25, F.S.; revising duties of licensees with respect to escrowed property; allowing a broker to place personal or brokerage funds in property management and sales escrow accounts; providing penalties; providing a time limit on filing complaints against a licensee; providing for referral of criminal violations to prosecuting authorities; conforming terminology; amending s. 475.2755, F.S.; conforming terminology; amending s. 475.278, F.S.; revising provisions relating to authorized brokerage relationships; providing a presumption of transaction brokerage; revising disclosure requirements; amending s. 475.31, F.S.; providing effect of revocation or suspension of a broker's license; conforming terminology; amending ss. 475.37 and 475.41, F.S.; conforming terminology; amending s. 475.42, F.S.; providing an additional ground for disciplinary action relating to false or misleading information on real estate located in the state; providing penalties; conforming terminology; amending s. 475.43, F.S.; conforming terminology; amending s. 475.451, F.S.; revising prerequisites for renewal of an instructor permit; removing an exemption from instructor examination requirements; conforming terminology; repealing s. 475.4511(4) and (5), F.S., relating to the prohibition against a school advertising in conjunction with an affiliated broker and publishing a "pass/fail" ratio; amending ss. 475.453 and 475.455, F.S.; conforming terminology; amending s. 475.482, F.S.; increasing the maximum amount that may be in the Real Estate Recovery Fund; conforming terminology; amending s. 475.483, F.S.; revising guidelines for payment of attorney's fees with respect to recovery from the fund; conforming terminology; amending ss. 475.484 and 475.5017, F.S.; increasing maximum amounts payable from the fund; conforming terminology; amending s. 475.612, F.S.; conforming terminology; amending s. 689.25, F.S.; prescribing facts and conditions the existence of which need not be disclosed in a real estate transaction; repealing s. 475.421, F.S., relating to

publication of false or misleading information on real estate located in the state; repealing s. 475.422, F.S., relating to disclosure of termite and roof inspection reports; amending ss. 83.49, 440.02, 443.036, 501.604, 687.14, 721.20, and 760.29, F.S.; conforming terminology;

Pursuant to Rule 4.19, **CS for CS for SB 2238** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 2364** was deferred.

THE PRESIDENT PRESIDING

On motion by Senator Saunders, by two-thirds vote **HB 947** was withdrawn from the Committees on Criminal Justice; Transportation; and Judiciary.

On motion by Senator Saunders, by two-thirds vote—

HB 947—A bill to be entitled An act relating to tests for alcohol, chemical substances, or controlled substances; amending ss. 316.1932 and 327.352, F.S.; revising language that provides for tests to determine blood alcohol content or the presence of chemical or controlled substances; providing an effective date.

—a companion measure, was substituted for **CS for SB 2430** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 947** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wasserman Schultz, by two-thirds vote **HB 761** was withdrawn from the Committees on Health, Aging, and Long-Term Care; Criminal Justice; and Commerce, Economic Opportunities, and Consumer Services.

On motion by Senator Wasserman Schultz—

HB 761—A bill to be entitled An act relating to the fitting and dispensing of hearing aids; amending s. 484.0512, F.S.; providing a criminal penalty for failure of a seller to refund within a specified time moneys required to be refunded to a purchaser for the return or attempted return of a hearing aid; providing a definition; providing an effective date.

—a companion measure, was substituted for **SB 2180** and read the second time by title.

Pursuant to Rule 4.19, **HB 761** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 2560** was deferred.

On motion by Senator Lynn—

CS for SB 2568—A bill to be entitled An act relating to the Department of Children and Family Services; amending s. 393.0661, F.S.; requiring pilot programs to test the redesign of developmental disabilities services; providing for requirements for the pilot programs; requiring a report to the Legislature; deleting the requirement that the redesigned system be fully implemented by July 1, 2003; deleting the requirements of the plan pertaining to direct provider enrollment and assessment of all clients; creating ss. 393.506 and 400.9685, F.S.; providing for certain unlicensed staff to assist persons with developmental disabilities to administer certain prescription medications; providing the conditions under which staff may assist with medication; amending s. 402.310, F.S.; authorizing the Department of Children and Family Services or a local licensing agency to deny, suspend, or revoke the license of a child care facility, a licensed family day care home, or a large family child care home and to deny, suspend, or revoke the registration of a family day care home following a violation of certain laws or rules; amending s. 402.313, F.S.; repealing the authority of the Department of Children and

Family Services or a local licensing agency to impose an administrative fine on a family day care home; requiring the department to establish minimum safety standards for licensed family day care homes; repealing s. 402.3131(1)(a), F.S., relating to the authority of the Department of Children and Family Services or a local licensing agency to impose an administrative fine on a large family childcare home; amending s. 402.40, F.S.; replacing the terms "dependency program" and "dependency program staff" with the terms "child welfare services" and "person who delivers child welfare services," respectively; defining those terms; redefining terms used in the section; requiring the Department of Children and Family Services to establish the core competencies for a training curriculum; requiring collaboration with experts and providers; requiring each person who delivers child welfare services to master particular components of the training curriculum; directing the department to competitively bid the contracts for the training curriculum; requiring the Department of Children and Family Services to annually examine the advance training needs for child welfare services; requiring the department to develop minimum standards for a certification process and minimum standards for trainer qualifications; deleting a requirement that the department contract with Tallahassee Community College for the operation of one or more training academies; providing for the roles of the training academies; directing the department to competitively bid training academy contracts; requiring the core competencies, standards for a certification process, and standards for trainer qualifications to be submitted to legislative committees before entering into the competitive bidding process; amending s. 409.1671, F.S.; deleting the requirement for a plan; requiring the Governor's approval of the department's methodology for transferring funds; specifying that the term "related services" includes adoption services; modifying the schedule by which community-based care will be implemented; requiring written certification prior to transferring services; requiring an evaluation and report to the Legislature; deleting dates by which certain community-based care activities must occur; amending s. 415.102, F.S.; redefining the terms "abuse," "neglect," and "vulnerable adult"; creating s. 415.1046, F.S.; providing the Department of Children and Family Services with the authority to contract for provision of adult protective investigative services; stipulating the requirements for sheriffs' offices to be eligible to contract for provision of adult protective investigative services; providing for the contracting and funding for adult protective investigative services; requiring sheriff's employees to complete certain training; stipulating minimum requirements for the sheriffs' offices' operation of adult protective investigations; requiring a program performance evaluation; providing for an evaluation by the Office of Program Policy and Government Accountability of child welfare legal services; requiring a report; directing the department to continue its current delivery of child welfare legal services until directed otherwise by the Legislature; providing an effective date.

—was read the second time by title.

Senator Saunders moved the following amendment which was adopted:

Amendment 1 (884090)(with title amendment)—On page 4, line 12, insert:

Section 1. Subsection (15) of section 744.102, Florida Statutes, is amended to read:

744.102 Definitions.—As used in this chapter, the term:

(15) "Professional guardian" means any guardian who receives or has at any time received compensation for services rendered to more than two wards as their guardian. *A professional guardian may serve as a public guardian pursuant to part IX of this chapter.* A person serving as a guardian for two or more relatives as defined in s. 744.309(2) is not considered a professional guardian.

Section 2. Section 744.1083, Florida Statutes, is amended to read:

744.1083 ~~Professional guardian~~ Registration of professional and public guardians.—

(1) Effective January 1, 2004 2003, a professional guardian and a public guardian must register biennially with the Statewide Public Guardianship Office as established in part IX of this chapter. ~~The Statewide Public Guardianship Office may contract with the clerk of the court in each county to perform the administrative functions associated with registering professional guardians.~~

(2) *The Department of Elderly Affairs may contract with the Florida Guardianship Foundation or another not-for-profit entity to perform other functions associated with the registration, examination, and training of professional and public guardians.*

~~(2) Annual registration shall be made on forms furnished by the Statewide Public Guardianship Office and accompanied by the applicable registration fee as determined by rule. Such fee shall not exceed \$25.~~

(3) Registration must include the following:

(a) If the professional guardian is a natural person, the name, address, date of birth, and employer identification or social security number of the professional guardian.

(b) If the professional guardian is a partnership or association, the name, address, and date of birth of every member, and the employer identification number of the partnership or association.

(c) If the professional guardian is a corporation, the name, address, and employer identification number of the corporation; the name, address, and date of birth of each of its directors and officers; the name of its resident agent; and the name, address, and date of birth of each person having at least a 10-percent interest in the corporation.

(d) The name, address, date of birth, and employer identification number, if applicable, of each person providing guardian-delegated financial or personal guardianship services for wards.

(e) *Demonstration of compliance with the bonding, educational, testing, credit history, and background screening requirements of ss. 744.1085 and 744.3135.*

Compliance with this subsection constitutes compliance with the attestation requirements of s. 435.04(5).

(4) *The department may authorize the collection of a registration fee to cover the actual cost of guardian registration. Such fee shall be determined by rule but may not exceed \$100.*

(5) *Any not-for-profit entity with whom the department has contracted under subsection (2) shall, in accordance with procedures prescribed by the department, provide to the clerk of court and the chief judge of each judicial circuit information relating to guardian registration.*

~~(e) Documentation that the bonding and educational requirements of s. 744.1085 have been met, and that background screening has been conducted pursuant to s. 744.3135.~~

~~(6)(4) The Department of Elderly Affairs Statewide Public Guardianship Office shall may adopt rules, forms, and procedures necessary to administer this section.~~

(7)(5) A trust company, a state banking corporation or state savings association authorized and qualified to exercise fiduciary powers in this state, or a national banking association or federal savings and loan association authorized and qualified to exercise fiduciary powers in this state, may, but shall not be required to, register as a professional guardian under this section *and may serve as a professional guardian without registration with all of the rights and privileges of a person registered under this chapter.* If a trust company, state banking corporation, state savings association, national banking association, or federal savings and loan association described in this subsection elects to register as a professional guardian under this subsection, the requirements of subsection (3) shall not apply and the registration shall include only the name, address, and employer identification number of the registrant, the name and address of its registered agent, if any, ~~and the documentation described in paragraph (3)(e).~~

(8) *A state college or university or an independent college or university as described pursuant to s. 1009.98(3)(a) may, but shall not be required to, register as a public guardian under this section. If a state college or university or independent college or university elects to register as a public guardian under this subsection, the requirements of subsection (3) shall not apply and the registration shall include only the name, address, and employer identification number of the registrant.*

Section 3. Section 744.1085, Florida Statutes, is amended to read:

744.1085 Regulation of professional and public guardians; application; bond required; educational requirements.—

(1) The provisions of this section are in addition to and supplemental to any other provision of the Florida Guardianship Law, except s. 744.3145.

(2) Each professional or public guardian who files a petition for appointment ~~after October 1, 1997~~, shall post a blanket fiduciary bond with the clerk of the circuit court in the county in which the guardian's primary place of business is located. The guardian shall provide proof of the fiduciary bond to the clerks of each additional circuit court in which he or she is serving as a professional guardian. The bond shall be maintained by the guardian in an amount not less than \$50,000. The bond must cover all wards for whom the guardian has been appointed at any given time. The liability of the provider of the bond is limited to the face amount of the bond, regardless of the number of wards for whom the professional guardian has been appointed. The act or omissions of each employee of a professional guardian who has direct contact with the ward or access to the ward's assets is covered by the terms of such bond. The bond must be payable to the Governor of the State of Florida and his or her successors in office and conditioned on the faithful performance of all duties by the guardian. In form, the bond must be joint and several. The bond is in addition to any bonds required under s. 744.351. This subsection does not apply to any attorney who is licensed to practice law in this state and who is in good standing, to any financial institution as defined in s. 744.309(4), or a public guardian. The expenses incurred to satisfy the bonding requirements prescribed in this section may not be paid with the assets of any ward.

(3) Each professional guardian defined in s. 744.102(15) *and public guardian*, ~~on October 1, 1997~~, must receive a minimum of 40 hours of instruction and training ~~by October 1, 1998, or within 1 year after becoming a professional guardian, whichever occurs later~~. Each professional guardian must receive a minimum of 16 hours of continuing education every 2 calendar years after the year in which the initial 40-hour educational requirement is met. The instruction and education must be completed through a course approved or offered by the Statewide Public Guardianship Office. The expenses incurred to satisfy the educational requirements prescribed in this section may not be paid with the assets of any ward. This subsection does not apply to any attorney who is licensed to practice law in this state.

(4) *Each professional guardian or public guardian must allow, at the guardian's expense, an investigation of the guardian's credit history, conducted in a manner prescribed by the Department of Elderly Affairs.*

(5) *As required in s. 744.3135, each professional or public guardian must allow a level 2 background screening of the guardian in accordance with s. 435.04.*

(6) *After July 1, 2005, each professional or public guardian shall demonstrate her or his competency to act as a professional guardian or public guardian by taking an examination developed or approved by the entity provided in s. 744.1083(2) and adopted by the Department of Elderly Affairs. The department shall determine the procedure for administering the examination and shall charge an examination fee in the amount of the actual cost of developing and administering the examination, not to exceed \$500. The department, in consultation with the entity provided in s. 744.1083(2), may recognize the passing of a national guardianship examination in lieu of passing all or part of the state examination, except that each professional or public guardian must take and pass an approved examination section relating to Florida laws and procedures.*

(7) *The Department of Elderly Affairs, in consultation with the entity provided in s. 744.1083(2), shall set the minimum score necessary to demonstrate competency to become a professional or public guardian.*

(8) *The department shall waive the examination requirement set under subsection (6) if a professional or public guardian provides:*

(a) *Proof that the guardian has actively acted as a professional or public guardian for 5 years or more; and*

(b) *A letter from the chief judge of a judicial circuit before whom the professional or public guardian practiced at least 1 year which states that the professional guardian has demonstrated to the court her or his competency as a professional or public guardian.*

(9) *Beginning July 1, 2004, the court may not appoint as a professional or public guardian any person who has not met the requirements of this section and s. 744.1083.*

(10) *This section does not apply to a professional guardian or the employees of a professional guardian, that is a trust company, a state banking corporation, state savings association authorized and qualified to exercise fiduciary powers in this state, or a national banking association or federal savings and loan association authorized and qualified to exercise fiduciary powers in this state.*

Section 4. Section 744.3135, Florida Statutes, is amended to read:

744.3135 Credit and criminal investigation.—The court may require a nonprofessional guardian and shall require a professional or public guardian, and all employees of a professional guardian who have a fiduciary responsibility to a ward, to submit, at their own expense, to an investigation of the guardian's credit history and to undergo level 2 background screening as required under s. 435.04. The clerk of the court shall obtain fingerprint cards from the Federal Bureau of Investigation and make them available to guardians. Any guardian who is so required shall have his or her fingerprints taken and forward the proper fingerprint card along with the necessary fee to the Florida Department of Law Enforcement for processing. The professional guardian shall pay to the clerk of the court a fee of \$5 for handling and processing professional guardian files. The results of the fingerprint checks shall be forwarded to the clerk of court who shall maintain the results in a guardian file and shall make the results available to the court. If credit or criminal investigations are required, the court must consider the results of the investigations in appointing a guardian. *Professional and public guardians and all employees of a professional guardian who have a fiduciary responsibility to a ward, so appointed, must resubmit, at their own expense, to an investigation of credit history, and undergo level 1 background screening as required under s. 435.03, at least every 2 years after the date of their appointment. At any time, the court may require a guardian to submit to an investigation of his or her credit history and undergo level 1 background screening as required under s. 435.03.* The court must consider the results of these investigations in reappointing a guardian. This section shall not apply to a professional guardian, or to the employees of a professional guardian, that is a trust company, a state banking corporation or state savings association authorized and qualified to exercise fiduciary powers in this state, or a national banking association or federal savings and loan association authorized and qualified to exercise fiduciary powers in this state.

Section 5. Subsection (13) of section 744.444, Florida Statutes, is amended, and subsections (16) and (17) are added to that section, to read:

744.444 Power of guardian without court approval.—Without obtaining court approval, a plenary guardian of the property, or a limited guardian of the property within the powers granted by the order appointing the guardian or an approved annual or amended guardianship report, may:

(13) When reasonably necessary, employ persons, including attorneys, auditors, investment advisers, *case managers*, or agents, even if they are associated with the guardian, to advise or assist the guardian in the performance of his or her duties.

(16) *Pay or reimburse costs incurred and reasonable fees or compensation to persons, including attorneys, employed by the guardian pursuant to subsection (13) from the assets of the guardianship estate, subject to obtaining court approval of the annual accounting.*

(17) *Provide confidential information of a ward which is related to an investigation arising under part I of chapter 400 to a local or state ombudsman council member who is conducting the investigation. Such information must be provided within 7 days after the initial written request. Any such ombudsman must maintain the confidentiality of such information.*

Section 6. Paragraph (c) of subsection (2) of section 744.534, Florida Statutes, is amended to read:

744.534 Disposition of unclaimed funds held by guardian.—

(2)

(c) Within 5 years from the date of deposit with the State Treasurer, on written petition to the court that directed the deposit of the funds and informal notice to the Department of Legal Affairs, and after proof of his or her right to them, any person entitled to the funds, before or after payment to the State Treasurer and deposit as provided for in paragraph (a), may obtain a court order directing the payment of the funds to him or her. All funds deposited with the State Treasurer and not claimed within 5 years from the date of deposit shall escheat to the state to be deposited in the Department of Elderly Affairs Administrative Trust Fund to be used solely for the benefit of public guardianship as determined by the *Secretary of Elderly Affairs Statewide Public Guardianship Office* established in part IX of this chapter.

Section 7. Section 744.7021, Florida Statutes, is amended to read:

744.7021 Statewide Public Guardianship Office.—There is hereby created the Statewide Public Guardianship Office within the Department of Elderly Affairs. ~~The Department of Elderly Affairs shall provide administrative support and service to the office to the extent requested by the executive director within the available resources of the department. The Statewide Public Guardianship Office may request the assistance of the Inspector General of the Department of Elderly Affairs in providing auditing services, and the Office of General Counsel of the department may provide assistance in rulemaking and other matters as needed to assist the Statewide Public Guardianship Office. The Statewide Public Guardianship Office shall not be subject to control, supervision, or direction by the Department of Elderly Affairs in the performance of its duties.~~

(1) The *Secretary of Elderly Affairs* shall appoint or contract with the executive director of the office, who shall be the head of the Statewide Public Guardianship Office is the executive director, who shall be appointed by the Governor. The executive director must be a member of *The Florida Bar* in good standing licensed attorney with a background in guardianship law and knowledge of social services available to meet the needs of incapacitated persons, shall serve on a full-time basis, and shall personally, or through representatives of the office, carry out the purposes and functions of the Statewide Public Guardianship Office in accordance with state and federal law. The executive director shall serve at the pleasure of and report to the *secretary Governor*.

(2) The executive director ~~Statewide Public Guardianship Office~~ shall, directly or through contract with the Department of Elderly Affairs, and within available resources, have oversight responsibilities for all public and professional guardians.

(a) The executive director ~~office~~ shall review the current public guardian programs in Florida and other states.

(b) The executive director ~~office~~, in consultation with local guardianship offices, shall develop statewide performance measures and standards.

(c) The executive director ~~office~~ shall review the various methods of funding guardianship programs, the kinds of services being provided by such programs, and the demographics of the wards. In addition, the executive director ~~office~~ shall review and make recommendations regarding the feasibility of recovering a portion or all of the costs of providing public guardianship services from the assets or income of the wards.

(d) No later than October 1, 2000, the office shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court an interim report describing the progress of the office in meeting the goals as described in this section. No later than October 1, 2001, the office shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court a proposed public guardianship plan including alternatives for meeting the state's guardianship needs. This plan may include recommendations for less than the entire state, may include a phase-in system, and shall include estimates of the cost of each of the alternatives. Each year thereafter, the executive director ~~office~~ shall provide a status report and provide to the secretary further recommendations that to address the need for public guardianship services and related issues.

(e) The executive director ~~office~~ may provide assistance to local governments or entities in pursuing grant opportunities. The executive director ~~office~~ shall review and make recommendations in the annual report on the availability and efficacy of seeking Medicaid matching

funds. The executive director ~~office~~ shall diligently seek ways to use existing programs and services to meet the needs of public wards.

(f) The executive director, in consultation with the entity provided in s. 744.1083 ~~office~~ shall develop a guardianship training program curriculum that—~~The training program~~ may be offered to all guardians whether public or private. ~~The office shall establish a curriculum committee to develop the training program specified in this part. The curriculum committee shall include, but not be limited to, probate judges. A fee may be charged to private guardians in order to defray the cost of providing the training. In addition, a fee may be charged to any training provider for up to the actual cost of the review and approval of their curriculum. Any fees collected pursuant to this paragraph shall be deposited in the Department of Elderly Affairs Administrative Trust Fund to be used for the guardianship training program.~~

(3) The executive director ~~office~~ may conduct or contract for demonstration projects authorized by the Department of Elderly Affairs, within funds appropriated or through gifts, grants, or contributions for such purposes, to determine the feasibility or desirability of new concepts of organization, administration, financing, or service delivery designed to preserve the civil and constitutional rights of persons of marginal or diminished capacity. Any gifts, grants, or contributions for such purposes shall be deposited in the Department of Elderly Affairs Administrative Trust Fund.

(4) The Department of Elderly Affairs ~~office~~ has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to carry out the provisions of this section.

Section 8. Subsections (1), (2), and (3) of section 744.704, Florida Statutes, are amended to read:

744.704 Powers and duties.—

(1) A public guardian may serve as a guardian of a person adjudicated incapacitated under this chapter. :

~~(a) If there is no family member or friend, other person, bank, or corporation willing and qualified to serve as guardian; and~~

~~(b) If the assets of the ward do not exceed the asset level for Medicaid eligibility, exclusive of homestead and exempt property as defined in s. 4, Art. X of the State Constitution, and the ward's income, from all sources, is less than \$4,000 per year. Income from public welfare programs, supplemental security income, optional state supplement, a disability pension, or a social security pension shall be excluded in such computation. However, a ward whose total income, counting excludable income, exceeds \$30,000 a year may not be served.~~

(2) The public guardian shall be vested with all the powers and duties of a guardian under this chapter, except as otherwise provided by law.

(3) ~~The public guardian shall primarily serve incapacitated persons who are of limited financial means, as defined by contract or rule of the Department of Elderly Affairs. The public guardian may serve incapacitated persons of greater financial means to the extent that the Department of Elderly Affairs determines to be appropriate. If the public guardian finds that the assets or the income of the ward exceeds the amounts set forth in paragraph (1)(b), the public guardian shall submit a resignation and petition the court for appointment of a successor guardian. The public guardian shall not be dismissed until such time that a private guardian is appointed. If a qualified successor guardian is not available, the public guardian may remain as guardian, provided the guardian makes reasonable efforts to find a successor and reports to the court every 6 months on efforts to obtain a successor.~~

Section 9. Guardianship Task Force; creation; membership, duties.—

(1) There is created within the Department of Elderly Affairs a Guardianship Task Force. The purpose of the task force is to examine guardianship and incapacity and make recommendations to the Governor and the Legislature for the improvement of guardianship and incapacity practice. The department shall staff the task force. The Secretary of Elderly Affairs shall appoint the chair of the task force. Members of the task force shall serve without compensation. Unless specified otherwise, task force members shall be appointed by the respective organizations that they represent.

(2) *Members shall serve without compensation. Any member of the committee who is a public employee is entitled to reimbursement for per diem and travel expenses by his or her employer, and the cost of each member's participation must be borne by the organization that appointed the member.*

(3) *The Guardianship Task Force shall identify the characteristics of Florida guardianship practice. It shall also identify guardianship best practices and recommend specific statutory and other changes for achieving such best practices and for achieving citizen access to quality guardianship services. The task force shall submit a preliminary report to the Governor, the Secretary of Elderly Affairs and the Legislature no later than January 1, 2004, and shall submit a final report no later than January 1, 2005.*

(4) *The Guardianship Task Force shall consist of 10 members as follows: a judge who has experience sitting in guardianship proceedings appointed by the Florida Conference of Circuit Judges, a representative of the Association of Clerks of Court, a professor of law who has experience in elder issues appointed by the Secretary of Elderly Affairs, a representative of the Florida State Guardianship Association, a representative of the Florida Guardianship Foundation, a representative of the Real Property and Probate Section of The Florida Bar, a representative of the Elder Law Section of The Florida Bar, a professional who has experience in examining and determining incapacity, a representative of the Florida Bankers' Association and a citizen/consumer appointed by the Florida AARP (American Association of Retired Persons).*

(5) *The Guardianship Task Force may appoint auxiliary members based on their expertise to assist the task force in carrying out its duties.*

(6) *The task force is terminated May 6, 2005.*

Section 10. Subsection (8) is added to section 744.108, Florida Statutes, to read:

744.108 Guardian's and attorney's fees and expenses.—

(8) *When court proceedings are instituted to review or determine a guardian's or an attorney's fees under subsection (2), such proceedings are part of the guardianship administration process and the costs, including fees for the guardian's attorney, shall be determined by the court and paid from the assets of the guardianship estate unless the court finds the requested compensation under subsection (2) to be substantially unreasonable.*

Section 11. Section 744.3145, Florida Statutes, is amended to read:

744.3145 Guardian education requirements.—

(1) Each ward is entitled to a guardian competent to perform the duties of a guardian necessary to protect the interests of the ward.

(2) Each person appointed by the court to be a guardian, *other than a parent who is the guardian of the property of a minor child*, must receive a minimum of 8 hours of instruction and training which covers:

- (a) The legal duties and responsibilities of the guardian;
- (b) The rights of the ward;
- (c) The availability of local resources to aid the ward; and

(d) The preparation of habilitation plans and annual guardianship reports, including financial accounting for the ward's property.

(3) *Each person appointed by the court to be the guardian of the property of his or her minor child must receive a minimum of 4 hours of instruction and training that covers:*

- (a) *The legal duties and responsibilities of the guardian of the property;*
- (b) *The preparation of the initial inventory and annual guardianship accountings for the ward's property; and*
- (c) *Use of guardianship assets.*

(4)(3) Each person appointed by the court to be a guardian must complete the required number of 8 hours of instruction and education

within 1 year after his or her appointment as guardian. The instruction and education must be completed through a course approved by the chief judge of the circuit court and taught by a court-approved organization. Court-approved organizations may include, but are not limited to, community or junior colleges, guardianship organizations, and the local bar association or The Florida Bar.

(5)(4) Expenses incurred by the guardian to satisfy the education requirement may be paid from the ward's estate, unless the court directs that such expenses be paid by the guardian individually.

(6)(5) The court may, in its discretion, waive some or all of the requirements of this section or impose additional requirements. The court shall make its decision on a case-by-case basis and, in making its decision, shall consider the experience and education of the guardian, the duties assigned to the guardian, and the needs of the ward.

(7)(6) The provisions of this section do not apply to professional guardians.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2 and 3, delete those lines and insert: An act relating to children and family services; amending s. 744.102, F.S.; redefining the term "professional guardian"; amending s. 744.1083, F.S.; revising procedures for registration of professional and public guardians; providing for the Department of Elderly Affairs to contract with a not-for-profit entity; providing for prerequisites; providing for a form; providing fees; requiring information to be provided to the courts; providing for voluntary registration as a public guardian of a state college or university or independent college or university; providing required registration information; amending s. 744.1085, F.S.; revising provisions relating to the regulation of professional and public guardians; providing for credit checks and background screenings; providing for an examination; providing for waiver of examination; prohibiting the appointment, after a specified date, of professional and public guardians who have not met these requirements; amending s. 744.3135, F.S., relating to credit and criminal investigations; allowing a court to require nonprofessional guardians to undergo credit checks and background screening; amending s. 744.444, F.S.; allowing plenary or limited guardians to employ case managers; permitting reasonable reimbursement of compensation and fees for persons employed by the guardian for services provided to the guardianship estate; allowing plenary or limited guardians to provide certain confidential information to ombudsman council members; requiring that confidentiality be maintained; amending s. 744.534, F.S.; providing for the Secretary of Elderly Affairs to determine the use of certain unclaimed funds held by a guardian; amending s. 744.7021, F.S.; revising the organization of the Statewide Public Guardianship Office within the Department of Elderly Affairs; providing that the Secretary of Elderly Affairs shall appoint or contract with the head of the office to be executive director; providing for rulemaking by the department; amending s. 744.704, F.S.; revising the powers and duties of public guardians; prescribing who may be served by public guardians; creating the Guardianship Task Force within the department; providing purpose; providing for staff, a chairperson, and membership of the task force; providing for organizations that appoint members to pay their expenses; providing duties of the task force; requiring a preliminary and a final report to the Governor and the Legislature; allowing the appointment of auxiliary members; providing a term of service; amending s. 744.108, F.S.; providing that costs and attorney's fees incurred as part of the guardianship administration shall be determined by the court; amending s. 744.3145, F.S.; reducing the educational requirements for a person serving as a guardian for the person's minor child; amending s. 393.0661,

Senator Lynn moved the following amendments which were adopted:

Amendment 2 (131264)(with title amendment)—On page 4, line 13 through page 7, line 3, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 3-12, delete those lines and insert: and Family Services; creating ss. 393.506

Amendment 3 (961704)(with title amendment)—On page 7, line 4 through page 22, line 15, delete those lines and insert:

Section 2. Section 393.506, Florida Statutes, is created to read:

393.506 Administration of medication.—

(1) Notwithstanding the provisions of part I of chapter 464, the Nurse Practice Act, unlicensed direct care service staff providing services to persons with developmental disabilities may administer oral, transdermal, inhaled, or topical prescription medications as provided in this section.

(a) For day programs, as defined in s. 393.063, the director of the facility or program shall designate in writing unlicensed direct care services staff who are eligible to be trained to assist in the administration of or to administer medication.

(b) For intermediate care facilities for the developmentally disabled licensed pursuant to part XI of chapter 400, unlicensed staff designated by the director may provide medication assistance under the general supervision of a registered nurse licensed pursuant to chapter 464.

(2) Each facility, institution, or program must include in its policies and procedures a plan for training designated staff to ensure the safe handling, storage, and administration of prescription medication. These policies and procedures must be approved by the department before unlicensed direct care services staff assist with medication.

(3) The policies and procedures must include, at a minimum, the following provisions:

(a) An expressed and informed consent for each client.

(b) The director of the facility, program, or provider must maintain a copy of the written prescription, and that prescription must include the name of the medication, the dosage and administration schedule, the reason for the prescription, and the termination date.

(c) Each prescribed medication shall be kept in its original container and in a secure location.

(4) The training required in this section shall be conducted by a registered nurse or a physician licensed pursuant to chapter 458 or chapter 459.

Section 3. Section 400.9685, Florida Statutes, is created to read:

400.9685 Administration of medication.—

(1) Notwithstanding the provisions of the Nurse Practice Act, part I of chapter 464, unlicensed direct care services staff who are providing services to clients in Intermediate Care Facilities for the Developmentally Disabled, licensed pursuant to this part, may administer prescribed, prepackaged, pre-measured medications under the general supervision of a registered nurse as provided in this section and applicable rules. Training required by this section and applicable rules must be conducted by a registered nurse licensed pursuant to chapter 464, or a physician licensed pursuant to chapter 458 or chapter 459.

(2) Each facility that allows unlicensed direct care service staff to administer medications pursuant to this section must:

(a) Develop and implement policies and procedures that include a plan to ensure the safe handling, storage, and administration of prescription medication.

(b) Maintain written evidence of the expressed and informed consent for each client.

(c) Maintain a copy of the written prescription including the name of the medication, the dosage, and administration schedule.

(d) Maintain documentation regarding the prescription including the name, dosage, and administration schedule, reason for prescription, and the termination date; and

(e) Maintain documentation of compliance with required training.

(3) Agency rules shall specify the following as it relates to the administration of medications by unlicensed staff:

(a) Medications authorized and packaging required.

(b) Acceptable methods of administration.

(c) A definition of "general supervision".

(d) Minimum educational requirements of staff.

(e) Criteria of required training and competency that must be demonstrated prior to the administration of medications by unlicensed staff including in-service training.

(f) Requirements for safe handling, storage, and administration of medications.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 18 through page 3, line 17, delete those lines and insert: medication; requiring the Agency for Health Care Administration to provide for specified aspects of the administration of medication in rule; amending s.

Amendment 4 (291256)—On page 23, lines 10-15, delete those lines and insert: protection is impaired due to a mental, emotional, long-term physical, or developmental disability or dysfunctioning, or brain damage, or the infirmities of aging.

Amendment 5 (394274)(with title amendment)—On page 25, line 20 through page 26, line 7, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 4, line 2 through page 4, line 8, delete those lines and insert: performance evaluation; providing an

MOTION

On motion by Senator Lynn, the rules were waived to allow the following amendments to be considered:

Senator Lynn moved the following amendments which were adopted:

Amendment 6 (493756)(with title amendment)—On page 26, between lines 7 and 8, insert:

Section 12. Section 402.310, Florida Statutes, is amended to read:

402.310 Disciplinary actions; hearings upon denial, suspension, or revocation of license; administrative fines.—

(1)(a) The department or local licensing agency may deny, suspend, or revoke a license of a child care facility, a licensed family day care home, or a large family child care home or the registration of a family day care home, or may impose an administrative fine not to exceed \$100 per violation, per day, for the violation of any provision of ss. 402.301-402.319 or rules adopted thereunder. However, where the violation could or does cause death or serious harm, the department or local licensing agency may impose an administrative fine, not to exceed \$500 per violation per day.

(b) In determining the appropriate disciplinary action to be taken for a violation as provided in paragraph (a), the following factors shall be considered:

1. The severity of the violation, including the probability that death or serious harm to the health or safety of any person will result or has resulted, the severity of the actual or potential harm, and the extent to which the provisions of ss. 402.301-402.319 have been violated.

2. Actions taken by the licensee or registrant to correct the violation or to remedy complaints.

3. Any previous violations of the licensee.

(2) When the department has reasonable cause to believe that grounds for the denial, suspension, or revocation of a license or registration or imposition of an administrative fine exist, it shall determine the matter in accordance with procedures prescribed in chapter 120. When the local licensing agency has reasonable cause to believe that grounds for the denial, suspension, or revocation of a license or registration or

imposition of an administrative fine exist, it shall notify the applicant, *registrant*, or licensee in writing, stating the grounds upon which the license or *registration* is being denied, suspended, or revoked or an administrative fine is being imposed. If the applicant, *registrant*, or licensee makes no written request for a hearing to the local licensing agency within 15 days ~~after~~ *from* receipt of such notice, the license or *registration* shall be deemed denied, suspended, or revoked or an administrative fine shall be imposed.

(3) If a request for a hearing is made to the local licensing agency, a hearing shall be held within 30 days and shall be conducted by an individual designated by the county commission.

(4) An applicant, *registrant*, or licensee shall have the right to appeal a decision of the local licensing agency to a representative of the department. Any required hearing shall be held in the county in which the child care facility is being operated or is to be established. The hearing shall be conducted in accordance with the provisions of chapter 120.

Section 13. Paragraph (b) of subsection (1) of section 402.313, Florida Statutes is repealed, present paragraphs (c) and (d) of that subsection are redesignated as paragraphs (b) and (c), respectively, and subsection (10) of that section is amended, to read:

402.313 Family day care homes.—

(1) Family day care homes shall be licensed under this act if they are presently being licensed under an existing county licensing ordinance, if they are participating in the subsidized child care program, or if the board of county commissioners passes a resolution that family day care homes be licensed. If no county authority exists for the licensing of a family day care home, the department shall have the authority to license family day care homes under contract for the purchase-of-service system in the subsidized child care program.

~~(b) The department or local licensing agency may impose an administrative fine, not to exceed \$100, for failure to comply with licensure or registration requirements.~~

(10) The department shall, by rule, establish minimum standards for family day care homes that are required to be licensed by county licensing ordinance or county licensing resolution or that voluntarily choose to be licensed. The standards should include requirements for staffing, training, maintenance of immunization records, minimum health and safety standards, reduced standards for the regulation of child care during evening hours ~~by municipalities and counties~~, and enforcement of standards.

Section 14. Paragraph (a) of subsection (1) of section 402.3131, Florida Statutes, is repealed, and present paragraphs (b) and (c) of that section are redesignated as paragraphs (a) and (b), respectively, to read:

402.3131 Large family child care homes.—

(1) Large family child care homes shall be licensed under this section.

~~(a) The department or local licensing agency may impose an administrative fine, not to exceed \$1,000, for failure to comply with licensure requirements.~~

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 8, after the semicolon (;) insert: amending s. 402.310, F.S.; authorizing the Department of Children and Family Services or a local licensing agency to deny, suspend, or revoke the license of a child care facility, a licensed family day care home, or a large family child care home and to deny, suspend, or revoke the registration of a family day care home following a violation of certain laws or rules; amending s. 402.313, F.S.; abolishing the authority of the Department of Children and Family Services or a local licensing agency to impose an administrative fine for family day care homes; requiring the department to establish minimum safety standards for licensed family day care homes; amending s. 402.3131, F.S.; abolishing the authority of the Department of Children and Family Services or a local licensing agency to impose an administrative fine for large family child care homes;

Amendment 7 (760108)(with title amendment)—On page 26, between lines 7 and 8, insert:

Section 12. Paragraph (a) of subsection (1) of section 402.3055, Florida Statutes, is amended to read:

402.3055 Child care personnel requirements.—

(1) REQUIREMENTS FOR CHILD CARE PERSONNEL.—

(a) The department or local licensing agency shall require that the application for a child care license contain a question that specifically asks the applicant, owner, or operator if he or she has ever had a license denied, revoked, or suspended in any state or jurisdiction or has been the subject of a disciplinary action or been fined while employed in a child care facility. The applicant, owner, or operator shall *sign an affidavit attesting* ~~attest~~ to the accuracy of the information requested under penalty of perjury.

1. If the applicant, owner, or operator admits that he or she has been a party in such action, the department or local licensing agency shall review the nature of the suspension, revocation, disciplinary action, or fine before granting the applicant a license to operate a child care facility.

2. If the department or local licensing agency determines as the result of such review that it is not in the best interest of the state or local jurisdiction for the applicant to be licensed, a license shall not be granted.

Section 13. Paragraph (c) is added to subsection (1) of section 402.310, Florida Statutes, to read:

402.310 Disciplinary actions; hearings upon denial, suspension, or revocation of license; administrative fines.—

(1)

(c) The department shall establish and impose uniform penalties for violations of ss. 402.301-402.319 and the rules adopted thereunder. The department shall implement this paragraph beginning on the effective date of this act, and such implementation shall not be contingent upon a specific appropriation therefor.

Section 14. Section 402.3105, Florida Statutes, is created to read:

402.3105 Central database on violations, citations, and penalties imposed against child care facilities.—

(1) *The Department of Children and Family Services shall establish and maintain a central database to record and compile all district information relating to violations, citations, and penalties imposed against child care facilities regulated by the department.*

(2) *The database shall be operated in a manner that enables the department to identify and locate such information for purposes of monitoring and evaluating the uniformity and effectiveness of district investigations and enforcement, in order to ensure compliance of child care facilities with state regulatory requirements. The database shall further maintain and produce aggregate statistical reports monitoring patterns of violations, citations, and penalties, including the classes and types of violations and any actions taken to suspend or revoke the license of a child care facility.*

(3) *The information in the database shall serve as a resource for the evaluation of child care facilities for license renewal but may not be used for employment screening. The information in the database shall be made available to the public upon request pursuant to chapter 119, relating to public records.*

(4) *In consultation with the State Technology Office, the Department of Children and Family Services shall establish and maintain a central database to record and compile all district information relating to violations, citations, and penalties imposed against child care facilities regulated by the department. This system shall be developed pursuant to chapter 282, and the department shall implement, operate, and maintain the system in accordance with the policies and procedures established by the State Technology Office.*

(5) *The Department of Children and Family Services shall implement this section beginning on the effective date of this act, and such implementation shall not be contingent upon a specific appropriation therefor.*

Section 15. *The Department of Children and Family Services shall establish by rule a definition for child care which distinguishes between child care programs that require child care licensure and after-school programs that do not require licensure.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 8, after the semicolon (;) insert: amending s. 402.3055, F.S.; requiring a signed affidavit attesting to the accuracy of certain information provided by an applicant for a child care facility license; amending s. 402.310, F.S.; requiring the Department of Children and Family Services to establish and impose uniform penalties relating to child care facility violations; requiring implementation not contingent upon an appropriation; creating s. 402.3105, F.S.; requiring the department to establish a database of information relating to violations, citations, and penalties imposed against child care facilities regulated by the state; requiring the Department of Children and Family Services to consult and meet the requirements of the State Technology Office; specifying database capabilities and uses of information contained therein; requiring implementation not contingent upon an appropriation; directing the Department of Children and Family Services to adopt a rule defining child care;

MOTION

Senator Lynn moved that the rules be waived to allow consideration of the late filed amendment 140838. The motion failed, therefore the amendment was not considered.

Pursuant to Rule 4.19, **CS for SB 2568** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz de la Portilla—

CS for SB 1854—A bill to be entitled An act relating to school personnel; creating s. 1012.47, F.S.; requiring certain personnel in an alternative school that operates under contract with a district school system to file a set of fingerprints; requiring personnel to be subject to state and federal rules and regulations; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1854** was placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz de la Portilla—

CS for SB 2364—A bill to be entitled An act relating to insurance agents; amending ss. 624.04, 624.303, 624.313, 624.317, 624.504, 624.506, 624.521, 626.022, 626.112, 626.733, 626.7354, 626.741, 626.753, 626.829, 634.171, 634.420, 642.034, 642.036, and 642.045, F.S.; deleting references to solicitors to conform to prior deletions; amending ss. 624.34, 626.202, and 626.601, F.S.; revising certain fingerprinting requirements; amending s. 624.501, F.S.; providing for a fee for certain late appointment filings; amending s. 626.015, F.S.; deleting a definition of administrative agent; amending s. 626.171, F.S.; revising applicant address requirements; specifying required background investigation information; amending ss. 626.175, 626.7355, 626.731, 626.831, 626.8414, 626.865, 626.866, 626.867, 626.874, 626.9916, 648.34, and 648.355, F.S.; revising licensure eligibility criteria to specify United States citizenship or certain legal alien status; providing for the adoption of rules; amending s. 626.201, F.S.; revising certain fingerprint requirements; amending s. 626.221, F.S.; revising appointment application filing time period requirements; amending s. 626.2815, F.S.; requiring certain continuing education hour and subject requirements; deleting references to solicitors to conform to prior deletions; revising a continuing education board member title; amending s. 626.2816, F.S.; revising a cross-reference; clarifying a continuing education requirement; amending s. 626.2817, F.S.; deleting a precursory rule requirement; amending s. 626.311, F.S.; providing for the appointment of certain licensees; amending s. 626.321, F.S.; deleting references to solicitors to conform to prior deletions; providing for one application for a license and payment of applicable fees; amending s. 626.322, F.S.; clarifying the effect of insurer authorization of effectuation of certain appointments; amending s. 626.341,

F.S.; including a department-designated person to administer appointment processes for certain appointment-related actions; amending s. 626.371, F.S.; providing requirements for submittal and effective date of appointments; imposing a delinquent fee for certain notification failures; providing fee payment requirements; amending s. 626.381, F.S.; including a department-designated person to administer appointment processes for certain appointment-related actions; providing for a fee for certain late appointment filings; amending s. 626.451, F.S.; including a department-designated person to administer appointment processes for certain appointment-related actions; clarifying the effect of insurer authorization of effectuation of certain appointments; requiring licensee notification of the department of certain criminal proceedings; amending s. 626.461, F.S.; including a department-designated person to administer appointment processes for certain appointment-related actions; deleting references to solicitors to conform to prior deletions; amending s. 626.471, F.S.; including a department-designated person to administer appointment processes for certain appointment-related actions; providing for termination of certain appointments; requiring notice of termination; amending s. 626.843, F.S.; revising procedures for renewing title insurance agent appointments; amending s. 626.7315, F.S.; providing an exception to a prohibition against certain individuals receiving money on account of or for an insurer; amending ss. 626.732, 626.7851, 626.8311, and 626.8417, F.S.; revising certain education subject requirements; amending s. 626.7351, F.S.; revising licensure eligibility criteria to specify United States citizenship or certain legal alien status; revising certain education subject requirements; providing additional education course requirements; amending s. 626.785, F.S.; revising licensure eligibility criteria to specify United States citizenship or certain legal alien status; increasing the amount of coverage for burial-related expenses that may be sold by a life insurance agent under contract with a funeral establishment; amending s. 626.797, F.S.; revising an association title; amending s. 626.869, F.S.; deleting a provision relating to limited licenses for certain adjusters; revising certain education requirements; amending s. 626.878, F.S.; specifying implementation requirements for the department's ethics rules; amending s. 626.9541, F.S.; revising sliding as an unfair method of competition and unfair or deceptive act or practice; amending s. 632.634, F.S.; specifying registration of a society only upon department request; amending s. 627.7295, F.S.; revising the per-policy fees that general lines agents may charge on certain policies; amending s. 648.27, F.S.; imposing a delinquent fee for certain notification failures; providing fee payment requirements; deleting obsolete runner references; amending s. 648.382, F.S.; clarifying the effect of insurer authorization of effectuation of certain appointments; imposing a delinquent fee for certain notification failures; providing fee payment requirements; amending s. 648.383, F.S.; including a department-designated person to administer appointment processes for certain appointment-related actions; providing for a fee for certain late appointment filings; amending s. 648.50, F.S.; deleting obsolete runner references; repealing s. 626.032, F.S., relating to continuing education and required designation of administrative agents; repealing s. 626.361, F.S., relating to the effective date of appointments; providing an effective date.

—was read the second time by title.

Senator Posey moved the following amendment which was adopted:

Amendment 1 (840314)(with title amendment)—On page 63, between lines 24 and 25, insert:

Section 70. Section 324.032, Florida Statutes, is amended to read:

324.032 Manner of proving financial responsibility; for-hire passenger transportation vehicles.—

(4) Notwithstanding the provisions of s. 324.031;

(1) A person who is either the owner or a lessee required to maintain insurance under s. 324.021(9)(b) and who operates *one or more at least* 300 taxicabs, limousines, jitneys, or any other for-hire passenger transportation vehicles may prove financial responsibility by *satisfying the following*:

(a) furnishing satisfactory evidence of holding a motor vehicle liability policy as defined in s. 324.031, *but with minimum limits of \$125,000/250,000/50,000.* ~~or~~

(2)(b) *An owner or a lessee who is required to maintain insurance under s. 324.021(9)(b) and who operates at least 300 taxicabs, limou-*

sines, jitneys, or any other for-hire passenger transportation vehicles may provide financial responsibility by complying with the provisions of s. 324.171, such compliance to be demonstrated by maintaining at its principal place of business an audited financial statement, prepared in accordance with generally accepted accounting principles, and providing to the department a certification issued by a certified public accountant that the applicant's net worth is at least equal to the requirements of s. 324.171 as determined by the Department of Insurance, including claims liabilities in an amount certified as adequate by a Fellow of the Casualty Actuarial Society.

Upon request by the department, the applicant must provide the department at the applicant's principal place of business in this state access to the applicant's underlying financial information and financial statements that provide the basis of the certified public accountant's certification. The applicant shall reimburse the requesting department for all reasonable costs incurred by it in reviewing the supporting information. The maximum amount of self-insurance permissible under this subsection is \$300,000 and must be stated on a per-occurrence basis, and the applicant shall maintain adequate excess insurance issued by an authorized or eligible insurer licensed or approved by the Department of Insurance. All risks self-insured shall remain with the owner or lessee providing it, and the risks are not transferable to any other person, unless a policy complying with *subsection (1) paragraph (a)* is obtained.

~~(2) The provisions of subsection (1) shall not apply in a county with a population in excess of 1.25 million persons as of June 11, 1995.~~

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to insurance; amending s. 324.032, F.S.; providing requirements with respect to vehicle liability insurance for persons operating for-hire passenger vehicles; amending

MOTION

On motion by Senator Atwater, the rules were waived to allow the following amendment to be considered:

Senator Atwater moved the following amendment which was adopted:

Amendment 2 (064998)(with title amendment)—On page 5, line 6, insert:

Section 1. Subsection (1) of section 627.4035, Florida Statutes, is amended to read:

627.4035 Cash payment of premiums; claims.—

(1) The premiums for insurance contracts issued in this state or covering risk located in this state shall be paid in cash consisting of coins, currency, checks, or money orders *or by using a debit card, credit card, automatic electronic funds transfer, or payroll deduction plan.*

Section 2. Subsection (9) is added to section 627.7015, Florida Statutes, to read:

627.7015 Alternative procedure for resolution of disputed property insurance claims.—

(9) *For purposes of this section, the term "claim" refers to any dispute between an insurer and an insured relating to a material issue of fact other than a dispute:*

(a) *With respect to which the insurer has a reasonable basis to suspect fraud;*

(b) *Where, based on agreed-upon facts as to the cause of loss, there is no coverage under the policy;*

(c) *With respect to which the insurer has a reasonable basis to believe that the claimant has intentionally made a material misrepresentation of fact which is relevant to the claim, and the entire request for payment of a loss has been denied on the basis of the material misrepresentation; or*

(d) *With respect to which the amount in controversy is less than \$500, unless the parties agree to mediate a dispute involving a lesser amount.*

Section 3. Subsection (1) of section 627.901, Florida Statutes, is amended to read:

627.901 Premium financing by an insurance agent or agency.—

(1) A general lines agent may make reasonable service charges for financing insurance premiums on policies issued or business produced by such an agent or agency, s. 626.9541 notwithstanding. The service charge shall not exceed \$3 ~~\$1~~ per installment, ~~or a \$6 total service charge per year, for any premium balance of \$120 or less. For any premium balance greater than \$120 but not more than \$220, the service charge shall not exceed \$9 per year.~~ The maximum service charge ~~for any premium balance greater than \$220~~ shall not exceed \$36 ~~\$12~~ per year. In lieu of such service charges, an insurance agent or agency, at the sole discretion of such agent or agency, may charge a rate of interest not to exceed 18 percent simple interest per year on:

(a) The unpaid balance; or

(b) The average unpaid balance as billed over the term of the policy and subject to endorsement changes. The interest authorized by this paragraph may be billed in equal installments.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to insurance; amending s. 627.4035, F.S.; providing for the payment of insurance premiums by a debit or credit card, automatic electronic funds transfer, or payroll deduction plan; amending s. 627.7015, F.S.; defining "claim" for purposes of alternative procedures for resolution of disputed property insurance claims; amending s. 627.901, F.S.; revising the limits on premium financing service charges; amending

MOTION

On motion by Senator Peaden, the rules were waived to allow the following amendment to be considered:

Senator Peaden moved the following amendment which was adopted:

Amendment 3 (335116)(with title amendment)—On page 5, line 6, insert:

Section 1. Paragraphs (o) and (x) of subsection (1) of section 626.9541, Florida Statutes, are amended to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(o) Illegal dealings in premiums; excess or reduced charges for insurance.—

1. Knowingly collecting any sum as a premium or charge for insurance, which is not then provided, or is not in due course to be provided, subject to acceptance of the risk by the insurer, by an insurance policy issued by an insurer as permitted by this code.

2. Knowingly collecting as a premium or charge for insurance any sum in excess of or less than the premium or charge applicable to such insurance, in accordance with the applicable classifications and rates as filed with and approved by the department, and as specified in the policy; or, in cases when classifications, premiums, or rates are not required by this code to be so filed and approved, premiums and charges collected from a Florida resident in excess of or less than those specified in the policy and as fixed by the insurer. This provision shall not be deemed to prohibit the charging and collection, by surplus lines agents licensed under part VIII of this chapter, of the amount of applicable state and federal taxes, or fees as authorized by s. 626.916(4), in addition to the premium required by the insurer or the charging and collection, by licensed agents, of the exact amount of any discount or other such fee charged by a credit card facility in connection with the use of a credit card, as authorized by subparagraph (q)3., in addition to the premium required by the insurer. This subparagraph shall not be construed to prohibit collection of a premium for a universal life or a variable or

indeterminate value insurance policy made in accordance with the terms of the contract.

3.a. Imposing or requesting an additional premium for a policy of motor vehicle liability, personal injury protection, medical payment, or collision insurance or any combination thereof or refusing to renew the policy solely because the insured was involved in a motor vehicle accident unless the insurer's file contains information from which the insurer in good faith determines that the insured was substantially at fault in the accident.

b. An insurer which imposes and collects such a surcharge or which refuses to renew such policy shall, in conjunction with the notice of premium due or notice of nonrenewal, notify the named insured that he or she is entitled to reimbursement of such amount or renewal of the policy under the conditions listed below and will subsequently reimburse him or her or renew the policy, if the named insured demonstrates that the operator involved in the accident was:

- (I) Lawfully parked;
- (II) Reimbursed by, or on behalf of, a person responsible for the accident or has a judgment against such person;
- (III) Struck in the rear by another vehicle headed in the same direction and was not convicted of a moving traffic violation in connection with the accident;
- (IV) Hit by a "hit-and-run" driver, if the accident was reported to the proper authorities within 24 hours after discovering the accident;
- (V) Not convicted of a moving traffic violation in connection with the accident, but the operator of the other automobile involved in such accident was convicted of a moving traffic violation;
- (VI) Finally adjudicated not to be liable by a court of competent jurisdiction;
- (VII) In receipt of a traffic citation which was dismissed or nolle prossed; or
- (VIII) Not at fault as evidenced by a written statement from the insured establishing facts demonstrating lack of fault which are not rebutted by information in the insurer's file from which the insurer in good faith determines that the insured was substantially at fault.

c. In addition to the other provisions of this subparagraph, an insurer may not fail to renew a policy if the insured has had only one accident in which he or she was at fault within the current 3-year period. However, an insurer may nonrenew a policy for reasons other than accidents in accordance with s. 627.728. This subparagraph does not prohibit nonrenewal of a policy under which the insured has had three or more accidents, regardless of fault, during the most recent 3-year period.

4. Imposing or requesting an additional premium for, or refusing to renew, a policy for motor vehicle insurance solely because the insured committed a noncriminal traffic infraction as described in s. 318.14 unless the infraction is:

- a. A second infraction committed within an 18-month period, or a third or subsequent infraction committed within a 36-month period.
- b. A violation of s. 316.183, when such violation is a result of exceeding the lawful speed limit by more than 15 miles per hour.

5. Upon the request of the insured, the insurer and licensed agent shall supply to the insured the complete proof of fault or other criteria which justifies the additional charge or cancellation.

6. No insurer shall impose or request an additional premium for motor vehicle insurance, cancel or refuse to issue a policy, or refuse to renew a policy because the insured or the applicant is a handicapped or physically disabled person, so long as such handicap or physical disability does not substantially impair such person's mechanically assisted driving ability.

7. No insurer may cancel or otherwise terminate any insurance contract or coverage, or require execution of a consent to rate endorsement, during the stated policy term for the purpose of offering to issue, or

issuing, a similar or identical contract or coverage to the same insured with the same exposure at a higher premium rate or continuing an existing contract or coverage with the same exposure at an increased premium.

8. No insurer may issue a nonrenewal notice on any insurance contract or coverage, or require execution of a consent to rate endorsement, for the purpose of offering to issue, or issuing, a similar or identical contract or coverage to the same insured at a higher premium rate or continuing an existing contract or coverage at an increased premium without meeting any applicable notice requirements.

9. No insurer shall, with respect to premiums charged for motor vehicle insurance, unfairly discriminate solely on the basis of age, sex, marital status, or scholastic achievement.

10. Imposing or requesting an additional premium for motor vehicle comprehensive or uninsured motorist coverage solely because the insured was involved in a motor vehicle accident or was convicted of a moving traffic violation.

11. No insurer shall cancel or issue a nonrenewal notice on any insurance policy or contract without complying with any applicable cancellation or nonrenewal provision required under the Florida Insurance Code.

12. No insurer shall impose or request an additional premium, cancel a policy, or issue a nonrenewal notice on any insurance policy or contract because of any traffic infraction when adjudication has been withheld and no points have been assessed pursuant to s. 318.14(9) and (10). However, this subparagraph does not apply to traffic infractions involving accidents in which the insurer has incurred a loss due to the fault of the insured.

(x) Refusal to insure.—In addition to other provisions of this code, the refusal to insure, or continue to insure, any individual or risk solely because of:

- 1. Race, color, creed, marital status, sex, or national origin;
- 2. The residence, age, or lawful occupation of the individual or the location of the risk, unless there is a reasonable relationship between the residence, age, or lawful occupation of the individual or the location of the risk and the coverage issued or to be issued;
- 3. The insured's or applicant's failure to agree to place collateral business with any insurer, unless the coverage applied for would provide liability coverage which is excess over that provided in policies maintained on property or motor vehicles;
- 4. The insured's or applicant's failure to purchase noninsurance services or commodities, including automobile services as defined in s. 624.124; or
- 5. *The fact that the insured or applicant is a public official; or*

6.5. The fact that the insured or applicant had been previously refused insurance coverage by any insurer, when such refusal to insure or continue to insure for this reason occurs with such frequency as to indicate a general business practice.

Section 2. Subsection (1) of section 631.913, Florida Statutes, is amended to read:

631.913 Powers and duties of the corporation.—

(1) The corporation is obligated to the extent of the full amount of the covered claims:

(a) Existing before the adjudication of insolvency and arising within 30 days after the determination of insolvency;

(b) Existing before the policy expiration date if less than 30 days after the determination of insolvency; or

(c) Existing before the insured replaces the policy or causes its cancellation, if the insured does so within 30 days after the determination of insolvency.

Notwithstanding such criteria, the corporation's obligation for a covered claim for the return of unearned premium shall not exceed \$50,000 per

policy. In addition, the corporation is not obligated to a policyholder or claimant in an amount in excess of the obligation of the insolvent insurer under the policy from which the claim arises.

Section 3. Paragraph (a) of subsection (1) of section 631.914, Florida Statutes, is amended to read:

631.914 Assessments.—

(1)(a) To the extent necessary to secure the funds for the payment of covered claims, and also to pay the reasonable costs to administer the same, the department, upon certification by the board, shall levy assessments on each insurer in the proportion that the insurer's net direct written premiums in this state bears to the total of said net direct written premiums received in this state by all such workers' compensation insurers for the preceding calendar year. Assessments shall be remitted to and administered by the board of directors in the manner specified by the approved plan of operation. The board shall give each insurer so assessed at least 30 days' written notice of the date the assessment is due and payable. Each assessment shall be a uniform percentage applicable to the net direct written premiums of each insurer writing workers' compensation insurance.

1. Beginning July 1, 1997, assessments levied against insurers, other than self-insurance funds, shall not exceed in any calendar year more than 2 percent of that insurer's net direct written premiums in this state for workers' compensation insurance during the calendar year next preceding the date of such assessments.

2. Beginning July 1, 1997, assessments levied against self-insurance funds shall not exceed in any calendar year more than 1.50 percent of that self-insurance fund's net direct written premiums in this state for workers' compensation insurance during the calendar year next preceding the date of such assessments.

3. *Beginning July 1, 2003, assessments levied against insurers and self-insurance funds pursuant to this paragraph are computed and levied on the basis of the full policy premium value on the net direct premiums written in the state for workers' compensation insurance during the calendar year next preceding the date of the assessment without taking into account any applicable discount or credit for deductibles. Insurers and self-insurance funds must report premiums in compliance with this subparagraph.*

Section 4. Section 631.924, Florida Statutes, is amended to read:

631.924 Stay of proceedings; reopening of default judgments.—All proceedings in which the insolvent insurer or self-insurance fund is a party or is obligated to defend a party in any court or before any quasi-judicial body or administrative board in this state must be stayed for 6 months, or such additional period from the date the insolvency is adjudicated, by a court of competent jurisdiction to allow proper defense by the association of all pending causes of action as to any covered claims. The stay may be extended for a period of time greater than 6 months upon proper application to a court of competent jurisdiction. The association, either on its own behalf or on behalf of the insured, may apply to have any judgment, order, decision, verdict, or finding based on the default of the insolvent insurer or self-insurance fund or its failure to defend an insured set aside by the same court or administrator that made the judgment, order, decision, verdict, or finding and may defend against the claim on the merits. If the association so requests, the stay of proceedings may be shortened or waived.

Section 5. Subsection (4) of section 624.406, Florida Statutes, is amended to read:

624.406 Combinations of insuring powers, one insurer.—An insurer which otherwise qualifies therefor may be authorized to transact any one kind or combination of kinds of insurance as defined in part V except:

(4) A health insurer may also transact excess insurance, specific and aggregate, for self-insurers of a plan of health insurance and multiple-employer welfare arrangements and reinsurance for the medical and lost wages benefits provided under a workers' compensation insurance policy.

Section 6. Section 624.603, Florida Statutes, is amended to read:

624.603 "Health insurance" defined.—"Health insurance," also known as "disability insurance," is insurance of human beings against

bodily injury, disablement, or death by accident or accidental means, or the expense thereof, or against disablement or expense resulting from sickness, and every insurance appertaining thereto. Health insurance does not include workers' compensation coverages, *except as provided in s. 624.406(4).*

Section 7. Subsection (7) of section 631.141, Florida Statutes, is amended to read:

631.141 Conduct of delinquency proceeding; domestic and alien insurers.—

(7)(a) In connection with a delinquency proceeding, the department may appoint one or more special agents to act for it, and it may employ such counsel, clerks, and assistants as it deems necessary. The compensation of the special agents, counsel, clerks, or assistants and all expenses of taking possession of the insurer and of conducting the proceeding shall be fixed by the receiver, subject to the approval of the court, and shall be paid out of the funds or assets of the insurer. Within the limits of duties imposed upon them, special agents shall possess all the powers given to and, in the exercise of those powers, shall be subject to all duties imposed upon the receiver with respect to such proceeding.

(b) *In the event that initiation of delinquency proceedings does not result in appointment of the department as receiver, or in the event that the funds or assets of an insurer for which the department is appointed as receiver are insufficient to cover the cost of compensation to special agents, counsel, clerks, or assistants and all expenses of taking, or attempting to take, possession of the insurer, and of conducting the proceeding, there is appropriated, upon approval of the Chief Financial Officer, from the Insurance Regulation Trust Fund to the Division of Rehabilitation and Liquidation a sum that is sufficient to cover the unreimbursed costs.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to insurance; amending s. 626.9541, F.S.; clarifying certain activities that constitute illegal dealings in premiums; prohibiting insurers from refusing to insure solely because the insured or applicant is a public official; amending s. 631.913, F.S.; limiting the obligation of the Florida Workers' Compensation Insurance Guaranty Association, Incorporated for a covered claim for return of unearned premium; amending s. 631.914, F.S.; revising requirements for reporting premium for assessment calculations; amending s. 631.924, F.S.; including insolvent insurers under provisions for a stay of proceedings; amending s. 624.406, F.S.; providing for reinsurance under a workers' compensation insurance policy; amending s. 624.603, F.S.; providing an exception to include workers' compensation coverages under health insurance; amending s. 631.141, F.S.; providing for trust funds to be transferred to the receiver in delinquency proceedings to pay for unreimbursed expenses; amending

Pursuant to Rule 4.19, **CS for SB 2364** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos, the Senate resumed consideration of—

CS for SB 654—A bill to be entitled An act relating to regulation of telecommunications companies; providing a popular name; amending s. 364.01, F.S.; providing legislative finding that provision of unregulated voice-over-internet protocol is in the public interest; amending s. 364.02, F.S.; changing the term "alternative local exchange telecommunications company" to "competitive local exchange telecommunications company"; defining the term "intrastate interexchange telecommunications company"; limiting the definition of "service"; amending s. 364.025, F.S.; conforming terminology; extending the time period for mandatory provision of basic local exchange telecommunications services within the territory of a local exchange telecommunications company; extending the transitional time period for the Public Service Commission's providing an interim mechanism for maintaining universal service objectives; providing authority for the Public Service Commission to change the mechanism upon petition during such period; delaying requirement that the Legislature establish a permanent mechanism; delaying date on which competitive local exchange telecommunications company may petition the Public Service Commission to become a universal service provider

and carrier of last resort; providing for commission determination as to its authority to address universal service support mechanism for small local exchange telecommunications companies different from the interim mechanism; amending s. 364.0361, F.S.; providing exclusivity for certain regulations; amending s. 364.051, F.S.; conforming terminology; providing circumstances under which certain telecommunications companies may elect alternative regulations; providing an exception; prohibiting an increase in certain regulations on competitive local exchange telecommunications companies; amending s. 364.052, F.S.; conforming terminology; amending s. 364.058, F.S.; providing for an expedited process to facilitate quick resolution of disputes between telecommunications companies; providing rulemaking authority; creating s. 364.059, F.S.; providing procedures for staying election of local exchange telecommunications companies to be subject to alternative regulations; requiring the Public Service Commission to provide benchmarks and criteria for granting stays; providing rulemaking authority; amending s. 364.10, F.S.; requiring certain local exchange telecommunications companies to provide Lifeline services to certain persons; providing for eligibility determinations by the Public Counsel for receipt of such services; prohibiting rate increases for basic local telecommunications services provided to such eligible persons; requiring distribution of certain materials; requiring annual reports; amending ss. 364.16, 364.161, and 364.162, F.S.; conforming terminology; amending s. 364.163, F.S.; deleting obsolete language; changing period in which intrastate access rates are capped; removing limitations on certain rate increases; eliminating certain fees; providing presumption of validity for certain tariff changes made by intrastate interexchange telecommunications companies; creating s. 364.164, F.S.; authorizing local exchange telecommunications companies to petition the Public Service Commission for reduction of intrastate network access rates under certain circumstances; requiring revenue neutrality; providing criteria for the commission to consider; amending s. 364.337, F.S.; conforming terminology; amending s. 364.3376, F.S.; eliminating the requirement that intrastate interexchange telecommunications companies obtain a certificate of public convenience prior to providing operator services; amending ss. 364.502 and 365.172, F.S.; conforming terminology; amending ss. 196.012, 199.183, 212.08, 290.007, 350.0605, 364.602, and 489.103, F.S.; correcting cross-references to s. 364.02, F.S.; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 7 (252830)** by Senator Haridopolos was adopted.

Senator Haridopolos moved the following amendment which was adopted:

Amendment 8 (054516)—On page 31, lines 9 and 10, delete “may only” and insert: *shall have the authority only to*

Pursuant to Rule 4.19, **CS for SB 654** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Diaz de la Portilla, by two-thirds vote **SB 2158** was withdrawn from the committees of reference and further consideration.

On motion by Senator Lee, by two-thirds vote **CS for HB 597**, **HB 601**, **HB 1219** and **SB 2892** were withdrawn from the Committee on Comprehensive Planning; **HB 959** was withdrawn from the Committee on Regulated Industries; **CS for SB 1866** was withdrawn from the Committees on Governmental Oversight and Productivity; Finance and Taxation; Appropriations Subcommittee on Education; Appropriations; and Rules and Calendar; and **CS for CS for SB 2416** was withdrawn from the Committees on Governmental Oversight and Productivity; and Rules and Calendar.

MOTIONS

On motion by Senator Lee, a deadline of 8:06 p.m. this day, was set for filing amendments to Bills on the Special Order Calendar to be considered Wednesday, April 30.

On motion by Senator Lee, a deadline of 9:00 a.m. Wednesday, April 30, was set for filing amendments to Bills on Third Reading to be considered that day.

On motion by Senator Lee, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Wednesday, April 30.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, April 29, 2003: **CS for SB 728**, **SB 730**, **CS for CS for SB 1132**, **CS for CS for SB 1740**, **CS for CS for SB 1300**, **CS for CS for SB 1776**, **CS for CS for SB 1944**, **CS for CS for SB 2446**, **CS for CS for SB 1312**, **CS for CS for SB 1724**, **CS for SB 2388**, **CS for CS for SB 1168**, **CS for CS for SB 1434**, **CS for CS for SB 1782**, **CS for SB 1842**, **SB 1052**, **CS for CS for SB 2410**, **CS for CS for SB 1756**, **CS for SB 1758**, **CS for SB 1854**, **CS for CS for SB 554**, **CS for SB 2348**, **CS for SB 2210**, **SB 1118**, **CS for SB 924**, **CS for SB 1248**, **CS for CS for SB 1660**, **CS for CS for SB 2238**, **CS for SB 2364**, **CS for SB 2430**, **SB 2180**, **CS for SB 2560**, **CS for SB 2568**, **SB 118**, **CS for SB 332**, **SB 594**, **CS for CS for CS for SB 194**, **SB 1336**, **CS for SB 1210**, **CS for CS for SB 1450**, **SB 222**, **CS for SB 1824**, **CS for CS for SB 2390**, **CS for SB 2750**

Respectfully submitted,
Tom Lee, Chair

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, April 30, 2003 by two-thirds vote: **CS for SB 172**, **SB 246**, **SB 270**, **SB 288**, **CS for SB 290**, **CS for CS for SB 326**, **CS for SB 338**, **CS for CS for SB 400**, **SB 430**, **CS for CS for SB 470**, **CS for CS for SB 572**, **CS for CS for SB 574**, **CS for SB 642**, **CS for SB 676**, **CS for CS for SB 696**, **SB 1002**, **CS for CS for SB 1006**, **CS for SB 1116**, **CS for SB 1176**, **CS for SB 1224**, **CS for SB's 1254 and 1662**, **SB 1260**, **CS for SB 1298**, **SB 1322**, **CS for CS for SB 1350**, **CS for CS for SB 1362**, **CS for SB 1374**, **CS for CS for SB 1382**, **SB 1490**, **CS for CS for SB 1520**, **CS for SB 1522**, **CS for SB 1528**, **CS for SB 1530**, **SB 1538**, **CS for SB 1542**, **CS for SB 1578**, **CS for SB 1612**, **CS for CS for SB 1694**, **CS for CS for SB 1720** and **CS for SB 2572**, **CS for SB 1766**, **CS for SB 1828**, **SB 1832**, **CS for SB 1902**, **CS for SB 1956**, **CS for SB 1974**, **CS for SB 2030**, **CS for SB 2084**, **CS for SB 2110**, **CS for SB 2118**, **CS for SB 2132**, **SB 2178**, **CS for SB 2186**, **CS for SB 2212**, **CS for CS for SB 2216**, **CS for SB 2260**, **CS for CS for SB 2266**, **SB 2284**, **CS for CS for SB's 2328 and 2252**, **CS for SB 2330**, **CS for SB 2350**, **CS for SB 2362**, **SB 2368**, **CS for SB 2460**, **CS for CS for SB 2464**, **CS for SB 2482**, **SB 2486**, **CS for SB 2492**, **CS for CS for SB 2520**, **SB 2546**, **CS for SB 2566**, **CS for CS for SB 2578**, **SB 2586**, **CS for CS for SB 2654**, **CS for CS for SB 2658**, **CS for SB 2688**, **CS for CS for SB 2738**, **CS for SB 2754**, **CS for SB 2758**, **SB 2794**, **SB 2802**, **CS for SB 1866**, **CS for CS for SB 2264**

Respectfully submitted,
Tom Lee, Chair

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Saunders—

SB 2980—A bill to be entitled An act relating to the Collier County Water-Sewer District, an independent special district in Collier County; codifying, amending, reenacting, and repealing the District's special acts; providing legislative intent, jurisdiction, and restrictions with regard to the City of Naples, Everglades City, the Immokalee Water and Sewer District, the City of Marco Island, the geographic area called Golden Gate, and other specified unincorporated areas of Collier County; providing definitions; providing authority with regard to adoption of rates, fees, and charges and issuance of bonds, trust funds, and trustees; providing for covenants of District Board with bondholders; providing that unpaid fees constitute liens; providing for publication of notice of issuance of bonds and that bonds shall have the qualities of negotiable instruments; providing for rights of holders and annual reports of the District Board; continuing provisions for District bonds as securities for public bodies; providing for contracts for construction of improvements and sealed bids, and special assessments; prohibiting free water and free sewer service; providing for impact fees; providing for conveyances of property without consideration; providing for District approval of construction of water and sewage facilities; providing for construction; providing for penalties and enforcement; repealing chapters 73-437, 74-462,

77-531, 78-489, 78-492, 80-484, 82-280, 88-499, 89-452, and 96-451, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable James E. “Jim” King, Jr., President

I am directed to inform the Senate that the House of Representatives has passed HB 221, HB 947; has passed as amended HB 195, HB 275, HB 853, HB 1203, HB 1453, HB 1813 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Dean and others—

HB 221—A bill to be entitled An act relating to water management; creating the Citrus/Hernando Waterways Restoration Council; providing for membership, powers, and duties; providing for separate county task forces; providing for a report to the Legislature; providing for an advisory group to the council; requiring the Southwest Florida Water Management District to act as lead entity for the purpose of providing staff and administrative support for the council; providing for a Citrus/Hernando Waterways restoration program; providing an effective date.

—was referred to the Committees on Natural Resources; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Representative Planas and others—

HB 947—A bill to be entitled An act relating to tests for alcohol, chemical substances, or controlled substances; amending ss. 316.1932 and 327.352, F.S.; revising language that provides for tests to determine blood alcohol content or the presence of chemical or controlled substances; providing an effective date.

—was referred to the Committees on Criminal Justice; Transportation; and Judiciary.

By Representative Bilirakis and others—

HB 195—A bill to be entitled An act relating to emergency medical dispatch; creating s. 768.1335, F.S.; creating the Emergency Medical Dispatch Act; providing definitions; providing a presumption of non-negligence for certain persons who use emergency dispatch protocols; providing exceptions; amending s. 401.111, F.S.; providing for grants to local agencies to support emergency medical dispatch; providing an effective date.

—was referred to the Committees on Judiciary; Health, Aging, and Long-Term Care; Governmental Oversight and Productivity; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Representative Spratt—

HB 275—A bill to be entitled An act relating to Glades County; providing for career service; specifying rights of certain employees of the Glades County Sheriff; providing definitions; providing proceedings and provisions with respect to dismissal; providing for transition between administrations; providing for appeals procedures; providing for career appeals boards; providing for per diem for certain employees; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Fiorentino and others—

HB 853—A bill to be entitled An act relating to unclaimed property; amending s. 717.101, F.S.; revising a definition; creating s. 717.1071, F.S.; providing for determining when certain property of a demutualized insurance company is unclaimed; amending s. 717.1101, F.S.; revising provisions for determining when certain equity and debt of a business association is unclaimed; providing for reversing such determination; deleting an application provision; amending s. 717.119, F.S.; providing for disposition of certain unclaimed firearms or ammunition; providing duties of the Department of Financial Services; specifying absence of liability of the department for certain actions; providing for funding of K-12 programs from the proceeds of this act for the 2003-2004 fiscal year; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Criminal Justice.

By Representative Zapata and others—

HB 1203—A bill to be entitled An act relating to Department of Corrections personnel; amending s. 110.205, F.S.; deleting from career service exemption provisions obsolete language relating to the Correctional Education Program; classifying colonels and majors within the Department of Corrections as Selected Exempt Service employees; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; Appropriations Subcommittee on Criminal Justice; and Appropriations.

By Representative Berfield and others—

HB 1453—A bill to be entitled An act relating to vessels; amending s. 328.17, F.S.; revising language with respect to the nonjudicial sale of vessels; providing an effective date.

—was referred to the Committees on Judiciary; and Transportation.

By Representative Altman and others—

HB 1813—A bill to be entitled An act relating to county and municipal taxes on motor fuel; amending ss. 206.60 and 206.605, F.S.; including bicycle paths and pedestrian pathways within authorized uses of proceeds of county and municipal taxes on motor fuel; amending s. 336.025, F.S.; expanding the uses of proceeds from local option fuel taxes on motor fuel and diesel fuel; authorizing certain municipalities to expend a certain gas tax; providing an effective date.

—was referred to the Committees on Comprehensive Planning; and Finance and Taxation.

RETURNING MESSAGES—FINAL ACTION

The Honorable James E. “Jim” King, Jr., President

I am directed to inform the Senate that the House of Representatives has passed SB 482, CS for SB 354, CS for SB 1044, CS for CS for SB 1220, CS for CS for SB 1616, and CS for CS for SB 1286.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 28 was corrected and approved.

CO-SPONSORS

Senators Atwater—CS for SB 2016; Cowin—CS for CS for SB 1072

RECESS

On motion by Senator Lee, the Senate recessed at 6:06 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Wednesday, April 30 or upon call of the President.

BILL ACTION SUMMARY**TUESDAY, APRIL 29, 2003**

S 108	Read third time; CS passed as amended 40-0	S 1842	Read second time
S 478	Read second time	S 1852	Pending amendment adopted
S 554	Read second time	S 1854	Read second time
S 606	Read third time; CS passed 37-0	S 1856	Read third time; CS passed as amended 40-0
S 654	Read second time; Amendment pending; Pending amendment adopted	S 1944	Read second time
S 686	Pending amendment adopted; Read third time; CS passed as amended 33-3	S 1952	Read third time; CS passed 40-0
S 724	Read second time; Substituted HB 533; Laid on Table, refer to HB 533	S 1954	Reconsidered; CS passed as amended 40-0
S 728	Read second time	S 2002	Read second time; Amendment pending
S 730	Read second time	S 2070	Read second time
S 924	Read second time	S 2122	Read second time; Amendment pending; Pending amendment adopted
S 1020	Read second time; Amendment pending	S 2158	Withdrawn from further consideration
S 1052	Read second time; Substituted HB 1579; Laid on Table, refer to HB 1579	S 2172	Read second time
S 1072	Read second time	S 2180	Substituted HB 761; Laid on Table, refer to HB 761
S 1118	Read second time; Substituted HB 1501; Laid on Table, refer to HB 1501	S 2210	Read second time
S 1168	Read second time	S 2228	Substituted HB 1203; Laid on Table, refer to HB 1203
S 1172	Read second time	S 2238	Read second time
S 1248	Read second time	S 2334	Read second time
S 1252	Reconsidered; CS passed as amended 38-0	S 2348	Read second time
S 1300	Read second time	S 2364	Read second time
S 1312	Read second time	S 2366	Read second time; Amendment pending; Pending amendment withdrawn
S 1434	Read second time	S 2380	Read third time; CS passed 39-0
S 1444	Read second time; Substituted HB 1593; Laid on Table, refer to HB 1593	S 2388	Read second time; Amendment pending; Pending amendment adopted
S 1554	Read third time; CS passed 40-0	S 2410	Substituted HB 691; Laid on Table, refer to HB 691
S 1556	Read second time	S 2430	Substituted HB 947; Laid on Table, refer to HB 947
S 1580	Read second time	S 2446	Read second time
S 1584	Read third time; CS passed as amended 40-0	S 2462	Read second time
S 1616	Read third time; CS passed as amended 40-0; Reconsidered; CS passed as amended 36-0	S 2488	Read third time; Passed as amended 39-0; Reconsidered; Passed as amended 39-0
S 1638	Read second time	S 2518	Read second time
S 1660	Read second time	S 2568	Read second time
S 1724	Read second time	S 2652	Companion bill passed; refer to HB 1453
S 1734	Read second time; Substituted HB 747; Laid on Table, refer to HB 747	S 2678	Read third time; CS passed as amended 40-0
S 1754	Read second time	S 2680	Read third time; Passed 40-0
S 1756	Read second time	S 2744	Read third time; CS passed as amended 40-0
S 1758	Read second time	S 2978	Adopted
S 1776	Read second time	H 75	Read third time; Passed 40-0
S 1782	Read second time	H 79	Read third time; Passed as amended 40-0
S 1784	Read second time	H 457	Read third time; Passed 39-0
S 1822	Read second time	H 513	Read third time; Passed as amended 37-0
		H 533	Substituted for CS for SB 724; Read second time
		H 561	Read third time; Passed 40-0
		H 623	Read third time; Passed 40-0
		H 691	Substituted for CS for CS for SB 2410; Read second time; Amendment pending; Pending amendment adopted as amended
		H 747	Substituted for CS for SB 1734; Read second time
		H 761	Substituted for SB 2180; Read second time
		H 821	Read third time; Passed 40-0
		H 947	Substituted for CS for SB 2430; Read second time
		H 1061	Read third time; Passed 40-0
		H 1203	Substituted for CS for SB 2228; Read second time
		H 1431	Read third time; Passed 40-0
		H 1453	Substituted for CS for SB 2652; Read second time; Read third time; Passed 40-0
		H 1501	Substituted for SB 1118; Read second time
		H 1579	Substituted for SB 1052; Read second time
		H 1593	Substituted for CS for SB 1444; Read second time
		H 1719	Read third time; Passed 40-0

JOURNAL OF THE SENATE

Daily Indices for April 29, 2003

NUMERIC INDEX

BA — Bill Action
BP — Bill Passed
CO — Co-Sponsors
CR — Committee Report

CS — Committee Substitute, First Reading
FR — First Reading
MO — Motion

CS/CS/SB's 108 and 110	(BA) 717, (BP) 718	CS/CS/SB 1382	(CR) 783
SB 118	(CR) 783	CS/CS/SB 1434	(BA) 745, (CR) 783
CS/SB 172	(CR) 783	CS/SB 1444	(BA) 725, (BA) 726
CS/CS/CS/SB 194	(CR) 783	CS/CS/SB 1450	(CR) 783
SB 222	(CR) 783	SB 1490	(CR) 783
SB 246	(CR) 783	CS/CS/SB 1492	(BA) 714
SB 270	(CR) 783	CS/CS/SB 1520	(CR) 783
SB 288	(CR) 783	CS/SB 1522	(CR) 783
CS/SB 290	(CR) 783	CS/SB 1528	(CR) 783
CS/CS/SB 326	(CR) 783	CS/SB 1530	(CR) 783
CS/SB 332	(CR) 783	SB 1538	(CR) 783
CS/SB 338	(CR) 783	CS/SB 1542	(CR) 783
CS/CS/SB 400	(CR) 783	CS/SB 1554	(BA) 718, (BP) 718
SB 430	(CR) 783	CS/CS/SB 1556	(BA) 726
CS/CS/SB 470	(CR) 783	CS/SB 1578	(CR) 783
CS/CS/SB 478	(BA) 734, (BA) 735	CS/CS/SB 1580	(BA) 726, (BA) 727
CS/CS/SB 554	(BA) 752, (BA) 753, (CR) 783	CS/CS/SB 1584	(BA) 715, (BP) 716
CS/CS/SB 572	(CR) 783	CS/SB 1612	(CR) 783
CS/CS/SB 574	(CR) 783	CS/CS/SB 1616	(BA) 714, (BP) 714, (BA) 728, (BP) 728
SB 594	(CR) 783	CS/CS/SB 1626	(BA) 735
CS/SB 606	(BA) 717, (BP) 717	SB 1638	(BA) 730, (BA) 731
CS/SB 642	(CR) 783	CS/CS/SB 1660	(BA) 755, (BA) 756, (CR) 783
CS/SB 654	(BA) 722, (BA) 782, (BA) 783	CS/CS/SB 1694	(CR) 783
CS/SB 676	(CR) 783	CS/CS/SB 1720 and CS/SB 2572	(CR) 783
CS/CS/SB 686	(BA) 725, (BP) 725	CS/CS/SB 1724	(BA) 739, (BA) 743, (BA) 745, (CR) 783
CS/CS/SB 696	(CR) 783	CS/SB 1734	(BA) 735
CS/CS/SB 700	(BA) 724	CS/CS/SB 1740	(BA) 735, (CR) 783
CS/SB 724	(BA) 734	CS/SB 1754	(BA) 727
CS/SB 728	(BA) 735, (CR) 783	CS/CS/SB 1756	(BA) 752, (BA) 753, (CR) 783
SB 730	(BA) 735, (CR) 783	CS/SB 1758	(BA) 752, (BA) 753, (BA) 754, (CR) 783
CS/CS/SB 742	(BA) 726	CS/SB 1766	(CR) 783
CS/SB 924	(BA) 754, (BA) 755, (CR) 783	CS/CS/SB 1776	(BA) 735, (BA) 736, (CR) 783
SB 1002	(CR) 783	CS/CS/SB 1782	(BA) 746, (BA) 747, (CR) 783
CS/CS/SB 1006	(CR) 783	CS/SB 1784	(BA) 734, (BA) 746
CS/CS/SB 1020	(BA) 722, (BA) 724	CS/SB 1822	(BA) 731, (BA) 732
SB 1052	(BA) 748, (CR) 783	CS/SB 1824	(CR) 783
CS/CS/SB 1072	(BA) 726, (CO) 785	CS/SB 1828	(CR) 783
CS/SB 1116	(CR) 783	SB 1832	(CR) 783
SB 1118	(BA) 754, (CR) 783	CS/SB 1842	(BA) 747, (BA) 748, (CR) 783
CS/CS/SB 1132	(BA) 735, (CR) 783	CS/CS/SB's 1852, 1628 and 2344	(BA) 722, (BA) 732
CS/CS/SB 1168	(BA) 740, (BA) 743, (CR) 783	CS/SB 1854	(BA) 752, (BA) 779, (CR) 783
CS/CS/SJR 1172 and SJR 1672	(BA) 734	CS/CS/SB 1856	(BA) 714, (BP) 714
CS/SB 1176	(CR) 783	CS/SB 1866	(CR) 783, (MO) 783
CS/CS/SB 1202	(BA) 722	CS/SB 1902	(CR) 783
CS/SB 1210	(CR) 783	CS/CS/SB 1944	(BA) 736, (CR) 783
CS/SB 1224	(CR) 783	CS/SB 1952	(BA) 716, (BP) 716
CS/SB 1248	(BA) 755, (CR) 783	CS/SB 1954	(BA) 721, (BP) 721
CS/CS/SB 1252	(BA) 721, (BA) 722, (BA) 727, (BP) 728	CS/SB 1956	(CR) 783
CS/SB's 1254 and 1662	(CR) 783	CS/SB 1974	(CR) 783
SB 1260	(CR) 783	SB 2002	(BA) 729
CS/SB 1298	(CR) 783	CS/SB 2016	(CO) 785
CS/CS/SB 1300	(BA) 735, (CR) 783	CS/SB 2030	(CR) 783
CS/CS/SB 1312	(BA) 737, (BA) 738, (CR) 783	CS/SB 2054	(BA) 724
SB 1322	(CR) 783	CS/CS/SB 2070	(BA) 729, (BA) 730
SB 1336	(CR) 783	CS/SB 2084	(CR) 783
CS/CS/SB 1350	(CR) 783	CS/SB 2110	(CR) 783
CS/CS/SB 1362	(CR) 783	CS/SB 2118	(CR) 783
CS/SB 1374	(CR) 783	CS/SB 2122	(BA) 733, (BA) 734

JOURNAL OF THE SENATE

CS/SB 2132	(CR) 783	CS/CS/SB 2654	(CR) 783
SB 2158	(MO) 783	CS/CS/SB 2658	(CR) 783
CS/CS/SB 2172	(BA) 731	CS/CS/SB 2678	(BA) 717, (BP) 717
SB 2178	(CR) 783	SB 2680	(BA) 720, (BP) 720
SB 2180	(BA) 772, (CR) 783	CS/SB 2688	(CR) 783
CS/SB 2186	(CR) 783	CS/CS/SB 2738	(CR) 783
CS/SB 2210	(BA) 754, (CR) 783	CS/SB 2744	(BA) 720, (BP) 720
CS/SB 2212	(CR) 783	CS/SB 2750	(CR) 783
CS/CS/SB 2216	(CR) 783	CS/SB 2754	(CR) 783
CS/SB 2228	(BA) 733	CS/SB 2758	(CR) 783
CS/CS/SB 2238	(BA) 756, (BA) 772, (CR) 783	SB 2794	(CR) 783
CS/SB 2260	(CR) 783	SB 2802	(CR) 783
CS/CS/SB 2264	(CR) 783	SB 2892	(MO) 783
CS/CS/SB 2266	(CR) 783	SR 2978	(FR) 713, (BP) 714
SB 2284	(CR) 783	SB 2980	(FR) 783
CS/SB 2296	(BA) 722		
CS/SB 2316	(BA) 731	HB 75	(BA) 718, (BP) 718
CS/CS/CS/SB's 2328 and 2252	(CR) 783	HB 79	(BA) 715, (BP) 715
CS/SB 2330	(CR) 783	HB 195	(FR) 784
CS/SB 2334	(BA) 733	HB 221	(FR) 784
CS/SB 2348	(BA) 753, (BA) 754, (CR) 783	HB 275	(FR) 784
CS/SB 2350	(CR) 783	HB 457	(BA) 714, (BP) 714
CS/SB 2362	(CR) 783	CS/HB 513	(BA) 718, (BP) 737
CS/SB 2364	(BA) 772, (BA) 779, (BA) 782, (CR) 783	HB 513	(BA) 736
CS/SB 2366	(BA) 733, (BA) 746, (BA) 754	HB 533	(BA) 734
SB 2368	(CR) 783	HB 561	(BA) 721, (BP) 721
CS/SB 2380	(BA) 720, (BP) 720	CS/HB 597	(MO) 783
CS/SB 2388	(BA) 739, (BA) 740, (BA) 745, (BA) 746, (CR) 783	HB 601	(MO) 783
CS/CS/SB 2390	(CR) 783	HB 623	(BA) 718, (BP) 718
CS/CS/SB 2410	(BA) 748, (CR) 783	HB 691	(BA) 748, (BA) 752, (BA) 753
CS/CS/SB 2416	(MO) 783	HB 739	(BA) 714
CS/SB 2430	(BA) 772, (CR) 783	HB 747	(BA) 735
CS/CS/SB 2446	(BA) 737, (CR) 783	HB 761	(BA) 772
CS/SB 2460	(CR) 783	HB 821	(BA) 721, (BP) 721
CS/SB 2462	(BA) 732, (BA) 733	HB 853	(FR) 784
CS/CS/SB 2464	(CR) 783	HB 947	(BA) 772, (FR) 784
CS/SB 2482	(CR) 783	HB 959	(MO) 783
SB 2486	(CR) 783	HB 1051	(BA) 714
SB 2488	(BA) 718, (BP) 720, (BA) 728, (BP) 728	HB 1061	(BA) 716, (BP) 717
CS/SB 2492	(CR) 783	HB 1203	(BA) 733, (FR) 784
CS/SB 2518	(BA) 732	HB 1219	(MO) 783
CS/CS/SB 2520	(CR) 783	HB 1431	(BA) 716, (BP) 716
SB 2546	(CR) 783	HB 1453	(BA) 717, (BP) 717, (FR) 784
CS/SB 2560	(BA) 772, (CR) 783	HB 1501	(BA) 754
CS/SB 2566	(CR) 783	HB 1579	(BA) 748
CS/SB 2568	(BA) 772, (BA) 779, (CR) 783	HB 1593	(BA) 725, (BA) 726
CS/CS/SB 2578	(CR) 783	HB 1719	(BA) 715, (BP) 715
SB 2586	(CR) 783	HB 1813	(FR) 784
CS/SB 2652	(BA) 717		

SUBJECT INDEX

Bills on Third Reading	714, 736	Motions	783
Call to Order	713, 729	Motions Relating to Committee Reference	783
Co-Sponsors	785	Point of Order	745
House Messages, Final Action	784	Reports of Committees	783
House Messages, First Reading	784	Resolutions	713
Introduction and Reference of Bills	783	Special Order Calendar	722, 729, 737

